

# Mitigated Negative Declaration

PROJECT NAME: Creekside Vistas

PROJECT LOCATION: 914-942 Third Avenue

ASSESSOR'S PARCEL NO.: 619-010-04/38/42/56

PROJECT APPLICANT: Creekside Vistas, LLC  
Douglas Wilson Companies

CASE NO.: IS-06-008

DATE OF DRAFT DOCUMENT: September 1, 2006

DATE OF FINAL DOCUMENT: October 13, 2006

Prepared by: Maria C. Muett

Revisions made to this document subsequent to the issuance of the notice of availability of the draft Negative Declaration are denoted by underline.

## A. Project Setting

The project site is 5.5-acres in size and consists of four adjoining parcels. The site is located southwest of the L Street and Third Avenue intersection, between L Street and Moss Street. The site is within the Redevelopment Project Area of the City of Chula Vista (see Exhibit A - Location Map). The site was previously developed but has been vacant for many years. A natural drainage channel runs along the western perimeter of the project site. On-site vegetation exists primarily along said drainage channel (see Exhibit B-Existing Site Plan). The land uses immediately surrounding the project site are as follows:

|                  |                                 |
|------------------|---------------------------------|
| North/Northwest: | Elementary School and Church    |
| Northeast:       | Auto Parts Business             |
| South/Southwest  | Multi-family Residential        |
| Southeast:       | Behaviorial Health Campus       |
| East:            | Across Third Avenue/Golf Course |

## B. Project Description

The project proposal consists of the construction of a mixed-use development of 167 multi-family residential units. The proposed units would consist of single story flats (on four levels), two-story stacked townhomes, and traditional three-story townhomes. Commercial/retail space (4,000 square feet) would be maintained on the ground level. The project would provide required parking through private garages, surface parking and a podium parking structure.

Proposed improvements include street dedication, curb/gutter and sidewalk repair, closure of underutilized access, new driveways and emergency fire lane and services, private interior roads, storm drain facilities/filtration systems, water service extensions, sewer facility improvements, underground existing utilities, retaining walls, open space sitting areas and trails, landscaped treatments, pool, security lighting and other amenities. The proposed open space area lies outside of an existing on-site floodplain and wetland area.

### C. Compliance with Zoning and Plans

The majority of the project site is designated CCP (Central Commercial/Precise Plan) Zoning and MUR (Mixed-Use Residential). A small portion of the site has a County of San Diego zoning designation of S90, which allows residential uses. The floodplain area is designated as open space in the General Plan. Project permitting includes Design Review, Tentative Subdivision Map, Rezone (to convert S90 to CCP) and a Conditional Use Permit to allow residential development within the CCP Zone.

### D. Public Comments

On May 2, 2006, a Notice of Initial Study was circulated to property owners within a 500-foot radius of the proposed project site. The public review period ended May 12, 2006. Communication was received regarding the drainage channel and disturbed vegetation.

On September 5, 2006 a Notice of Availability of the Proposed Mitigated Negative Declaration for the project was posted in the County Clerk's Office and circulated to property owners within a 500-foot radius of the project site. The 30-day public comment period closed on October 5, 2006. Four Three comment letters were received from State agencies--three during the public review period and one letter was received after the public review deadline. One comment letter was from the Native American Heritage Commission and dealt with potential impacts to archaeological resources. The second letter was from the State of California/Department of Transportation (District 11) regarding transportation/traffic issues. The third letter was from the Department of the Interior/USFW and dealt with biological resources and conservation planning. The fourth letter was from the State of California/Department of Toxic Substances Control and dealt with hazards/hazardous materials. The issues raised in these letters have been addressed in the Mitigated Negative Declaration and attached checklist, as well as in the attached response to comments (Exhibit "C").

### E. Identification of Environmental Effects

An Initial Study conducted by the City of Chula Vista (including an attached Environmental Checklist form) determined that the proposed project may have potential significant environmental impacts, however, mitigation measures have been incorporated into the project to reduce these impacts to a less than significant level. This Mitigated Negative Declaration has been prepared in accordance with Section 15070 of the State of California Environmental Quality Act (CEQA) Guidelines.

#### Air Quality

In order to analyze potential air quality project impacts/emissions, an Air Quality Impact Analysis was prepared by Giroux and Associates, dated August 25, 2006. The emission factors and threshold criteria contained in the South Coast Air Quality Management District Guidelines/Thresholds for Air Quality Analysis and the URBEMIS 2002 model were primarily used.

#### *Construction Activity Impacts*

A comparison of construction emissions to the SCAQMD's emission thresholds of significance for each pollutant was analyzed. The addition of emissions to an air basin is considered under CEQA to be a significant impact.

It is anticipated that based on the project's emission factors and proposed construction activities the

proposed project will exceed the SCAQMD's daily threshold emission levels. Air quality impacts resulting from construction-related operations are considered short-term in duration since construction-related activities are a relatively short-term activity. The proposed project will result in short-term air quality impacts directly related to cleanup, grading and construction activities associated with the project. Worker and equipment vehicle trips will create temporary emissions of dust, fumes, equipment exhaust, spillover and other air pollutants associated with the grading/construction and cleanup activities. Exhaust emissions will result from on and off site heavy equipment. Dust control and emission controls are recommended for off-road construction equipment as well. As a mitigation requirement, construction equipment exceeding 100 brake-horsepower must meet Tier 3 emission limits during all grading phases of the project construction. All project emissions are anticipated to be at or below the standard thresholds. Implementation of the Air Quality Mitigation Measure No. 1 contained in Section F below would mitigate short-term construction-related air quality impacts to below a level of significance. These measures are included as a part of the Mitigation Monitoring and Reporting Program.

### *Project Operational Impacts*

The primary direct air quality impacts are project generated traffic trips. An analysis of these emissions combined with site source emissions was made and compared with the established significance threshold levels and found that none of the analyzed pollutants exceeded the set thresholds. Specifically, project related carbon dioxide CO levels are identified below the significance threshold. No significant traffic generated operational related air quality impacts are created as a result of the proposed project.

The potential also exists that the public will be exposed to particulate matter and other air contaminants from diesel-fueled commercial vehicles serving the retail portion of the project. However, the State of California has established airborne control measures to limit public exposure to diesel fuels by limiting diesel fueled motor vehicles idling no longer than 5.0 minutes at any public location, including uses of equipment on the vehicle during resting periods. Enforcement of this regulation will mitigate air quality impacts to below a level of significance. This measure is included as a part of the Mitigation Monitoring and Reporting Program.

### Biological Resources

A biological reconnaissance survey and jurisdictional wetland delineation of the project site was conducted by Merkel and Associates, Inc. to identify existing vegetation and wildlife species on the site. The biological resource report, dated July 13, 2006 is summarized below.

The 5.5-acre project site is currently vacant and consists of primarily disturbed land with small patches of non-native grassland (0.3-acre) and eucalyptus woodland (0.04-acre). The surrounding land to the west, north, east and south are currently developed with residential and commercial uses. Telegraph Canyon Creek runs along the western border of the project site and is dominated by previously disturbed wetlands, southern willow scrub, and coastal fresh water marsh. In order to avoid impacts to Telegraph Canyon Creek, the proposed project is designed to retain the Creek and all associated wetland resources surrounding it.

Under the City's MSCP Subarea Plan, the project site is located in an area designated as a Development Area and is subject to the requirements of the Habitat Loss Incident Take (HLIT) Ordinance. In accordance, with the HLIT Ordinance, those projects that are greater than one acre, contain sensitive biological resources, and are located outside the "Covered Projects," must demonstrate compliance with the Ordinance and obtain Take authority from the City of Chula Vista for impacts to Covered Species. The following is a summary of the findings contained within the biological resource report as required by the City's HLIT Ordinance, Section 17.35.

## Sensitive Species

### *Vegetation Communities*

The proposed project currently supports a small area of Non-Native Grassland (NNG). NNG is considered sensitive habitat under the City's MSCP Subarea Plan and is designated as Tier III (common uplands) habitat. According to the biological report, the proposed project will directly impact the existing NNG on site. In order to meet the requirements of the City's MSCP Subarea Plan, the project was designed to avoid impacts to sensitive biological resources such as Telegraph Canyon Creek. As a result, impact to the small area of NNG could not be avoided. Impact to this vegetation community is considered significant and will require the implementation of the mitigation measures identified in Section F of this Mitigated Negative Declaration to reduce direct biological impacts to a level below significance. These measures are included as a part of the Mitigation Monitoring and Reporting Program.

### *Plant Species*

The project site is dominated by disturbed lands consisting of non-native weeds such as Russian thistle and sweet fennel. Based on field surveys conducted by Merkel & Associates and the disturbed nature of the project site, no sensitive plants or narrow endemic species were observed or have the potential to occur on the project site. Implementation of the proposed project will not result in significant impacts to sensitive plant species or narrow endemic species. No mitigation measure is required.

Merkel & Associates identified one mature coast live oak tree on the project site. Although the coast live oak is not listed as a sensitive species or covered under the City's MSCP Subarea Plan, the project is designed to retain this individual tree in an area planned for a proposed walking path. In order to ensure impacts to this tree do not occur during construction, implementation of mitigation measures identified in Section F of this Mitigated Negative Declaration. These measures are included as a part of the Mitigation Monitoring and Reporting Program.

### *Wildlife Species*

Based on field surveys conducted by Merkel & Associates and the disturbed nature of the project site, the biological resource report concluded that no sensitive wildlife species were observed or have the potential to occur on the project site. Only common species such as the mourning dove, Anna's hummingbird, black phoebe, and California towhee were observed onsite. Implementation of the proposed project will not result in significant impacts to sensitive wildlife species. Therefore, no mitigation measure is required.

The proposed project will require the removal of a relatively small concentration of eucalyptus (0.04-acre) found near the southeastern property boundary. Removal of the eucalyptus may potentially result in direct impacts to nesting raptors and/or migratory birds which may be present on the project site. Prior to removal of the eucalyptus woodland, mitigation measures must be implemented to reduce impacts to nesting raptors and/or migratory birds to below a level of significance. Please refer to Section F of the Mitigated Negative Declaration for proposed mitigation measures.

### *Wetland Resources*

Telegraph Canyon Creek runs along the western border of the project site and is dominated by disturbed wetlands and southern willow scrub. A Wetland Delineation was conducted on January 23,

2006 by Merkel and Associates, Inc., pursuant to the United States Army Corp of Engineers (ACOE) Wetlands Delineation Manual (Environmental Laboratory 1987) to identify jurisdictional waters and wetland resources. The wetland delineation concluded that wetlands and Non-wetland Waters of the U.S./Streambeds as defined by the ACOE and California Department of Fish and Game occur on the project site. Table 1 summarizes the wetland resources found on site.

**Table 1**  
**Summary of Wetland Resources On Site**

| Type of Wetland Resource                 | Area (acres) |
|--|--------------|
| Southern willow scrub                    | 0.04         |
| Disturbed wetlands                       | 0.3          |
| Coastal freshwater marsh                 | 0.004        |
| Non-Wetland Waters of the U.S./Streambed | 0.07         |

The proposed project is designed to avoid impacts to Telegraph Canyon Creek and all associated wetland resources surrounding the creek. Therefore, implementation of the proposed project will not result in significant impacts to wetland resources and jurisdictional wetlands on the project site. No mitigation measure is required.

#### *Indirect Impacts*

The proposed project is designed to retain the Telegraph Canyon Creek and all associated wetland resources on the project site; however, implementation of the development will result in indirect impacts to this wetland feature. Potential indirect impacts may be associated with an increased exposure to excessive noise, lighting, use of non-native invasive species, and stormwater run-off. According to the biological resource report, stormwater leaving the proposed project site may result in the introduction of sediment or pollutants to Telegraph Creek channel. In addition, Telegraph Canyon Creek may be exposed to non-native invasive species incorporated as part of the proposed project. In order to mitigate potential indirect impacts, implementation of the mitigation measures identified in Section F of this Mitigated Negative Declaration will reduce identified indirect biological impacts to a level below significance. For further discussion of impacts associated with stormwater runoff, refer to the Hydrology/Water Quality Section below for further details. These measures are included as a part of the Mitigation Monitoring and Reporting Program.

#### Geology and Soils

To assess potential geological and soils impacts of the project, a *Preliminary Geological Reconnaissance Report for Proposed Residential Development, 3<sup>rd</sup> Avenue, Chula Vista, California, July 7, 2005*, was prepared by Leighton and Associates, Inc. The results of this analysis are summarized below.

The project site is not located in an active Earthquake Fault Zone. The nearest active fault is the Rose Canyon fault approximately 5 miles away. No known significant or suspected seismic hazards associated with the project site have been identified.

A final soils report is required to be prepared to satisfaction of the City Engineer, prior to the issuance of grading and construction permits. Erosion control measures will be identified in conjunction with the preparation of the grading plans and implemented during the construction phase. Through project design as recommended in the study, and the mitigation measures contained in Section F below,

potential geological impacts would be mitigated to a level of less than significance. These measures are included as a part of the Mitigation Measure Monitoring and Reporting Program.

#### Hazards/Hazardous Materials

In order to assess potential hazardous materials impacts, a Phase I Environmental Site Assessment report was prepared by Leighton and Associates, Inc., on July 7, 2005 for the project site. The same consultant prepared a Phase II on August 12, 2005 to further address potential impacts from surrounding properties. Please refer to the following summary below.

#### Phase I Environmental Site Assessment

According to the Phase I, no historical records were available for the project site prior to 1930. From 1930 to 2002, the land uses consisted of residential and commercial activities. The site is currently vacant and was previously used for disposal of transient waste dumping, trash, yard and construction/demolition waste.

#### *On-site*

The assessment noted the storage of one 55-gallon drum on the western portion of the project site. No staining was observed in the area surrounding the drum. No evidence of underground storage tanks (USTs) or above ground storage tanks (ASTs) was observed. No groundwater monitoring wells were observed on the project site. It was recommended that the project site be further evaluated as to the proper removal/disposal of the identified 55-gallon drum and its contents. The on-site waste fill and trash was primarily residual concrete foundations and construction waste as well as transient trash/materials. No other environmental concerns were observed or reported during the site observation.

#### *Off-site*

In accordance with standard assessment procedures, regional database listings of hazardous wastes and materials sites within the project site were reviewed. Based upon Leaking Underground Storage Tanks (LUST) cases within proximity of the project site, three locations have active cases that have impacted groundwater and site assessments and cleanup are either currently underway or closed as regulated by the regional agencies; County of San Diego Department of Environmental Health Services (DEHS) and the Regional Water Quality Control Board (RWQCB). The project site is located at a higher elevation than the listed LUST sites. However, subsurface conditions have not been evaluated. It was recommended that additional research be conducted to review the case files for these sites to determine the possible extent of impacted groundwater related to the unauthorized release, if any.

#### Phase II Environmental Site Assessment

The purpose of this additional evaluation was to review the records of the three open Leaking Underground Storage Tanks (LUST) cases within one-eighth mile of the project site.

The LUST site located at 898 Third Avenue (gas station) is in the closure process with the DEHS. No further groundwater monitoring is required as of July 14, 2005. The LUST site located at 899 Third Avenue (gas station) has no issues related to groundwater; therefore, offsite migration of hydrocarbons towards the site is unlikely to occur.

The LUST site located at 902 Third Avenue (gas station) is still in the remediation process for removal of petroleum hydrocarbons. A groundwater-monitoring well was installed and is in operation in the auto parts parking lot north of the project site. Based upon monitoring reports, the groundwater flows in an easterly direction, away from the project site. The groundwater level is at 75 feet below grade. MTBE has not been reported above the State of California contaminant levels for drinking water. Additionally, in a letter dated July 28, 2003 the DEHS determined that based upon the regular monitoring reports that vapor risk to offsite structures is not considered pertinent, as there is no evidence of vapor risk levels. Therefore, no additional environmental assessment of the project site is necessary.

In the event any offsite conditions change, additional assessment may be necessary by a qualified environmental professional to assess the areas of concern. This may include the preparation and submittal of a written analysis, identifying the areas of concern with appropriate measures, to the Planning and Building Director for review.

The mitigation measures contained in Section F below would mitigate potential hazards/hazardous materials impacts to a level of less than significance. These measures are included as a part of the Mitigation Monitoring and Reporting Program.

#### Hydrology and Water Quality

##### Drainage

In order to assess potential drainage impacts of the project, a *Preliminary Drainage Report for Third Avenue and L Street, Chula Vista, California, February 2006*, was prepared by Project Design Consultants. The results of this analysis are summarized below.

##### *Existing Conditions and Drainage Improvements*

The project located adjacent to the Telegraph Canyon Creek. The 100-year floodplain lies along the western edge of the project site, however, the outermost project edge and grading limits are outside the 100-year floodplain.

The site and adjacent street currently drain northeast to southwest towards the Telegraph Canyon Creek. The off-site drainage improvements currently exist along Third Avenue and L Street.

##### *Proposed Drainage Improvements*

Based upon review of the preliminary drainage study, the Engineering Department has determined that there are no significant issues or impacts regarding the proposed drainage improvements for the project site.

The drainage analysis results verify that the project does not adversely impact the existing City storm drain facilities. The proposed on-site drainage improvements consist of a series of building drains, gutters, parking structure drainage system, landscape inlets, piping systems, tying into the area drains with filtration systems, rip-rap, underground detention facility and filtration systems outside the floodplain to pre-treat prior to entering the wetlands/channel.

Comparison of the site's existing and proposed design storm flows indicates that the peak 100-year flows will be increased as a result of the proposed project. To lessen any potential impact, the drainage improvement system proposed includes a detention basin that will control this increase in the peak 100-year discharge. The City Engineer will require the applicant to enter into an Irrevocable Offer of Dedication (IOD) for drainage purposes that requires approval by the City Council.

### *Water Quality*

In order to assess potential water quality impacts created by the proposed project, a Water Quality Technical Study was prepared by Project Design Consultants and dated August 2006. Due to the location of the project next to a waterway and potential for substantial impacts to water quality, the applicant/developer will be required to implement post-construction Best Management Practices (BMPs) to the maximum extent practicable, including the use of high pollutant removal efficiency treatment BMPs. The City of Chula Vista SUSMP requires a combination of site design, source control, and treatment control BMPs. The project proposed the following BMPs: warning signage by storm drain and sensitive water areas, catch basins with filtration devices, detention basins, flow through planter boxes, landscaped treatments and grass swales. Parking areas and driveway runoff will be directed into a vegetated swale or catch basin with filtration device prior to offsite discharge. The parking structure design includes an underground detention facility that will collect and pretreat any storm water runoff prior to entering the underground parking structure. This will prevent project pollutant runoff or direct pollutant impact transferred from off-site vehicles.

The applicant will be required to comply with the City of Chula Vista's Storm Water Management Manual and implement Best Management Practices (BMPs) to prevent pollution of the storm water systems during and after construction. The applicant will also be required to comply with the NPDES Municipal Permit, Order No. 2001-01 and other permit requirements, identify potential storm water pollutants as well as proposed BMPs that will be used for treatment, and submit a water quality study with submittal of final grading/improvement plans to the satisfaction of the City Engineer. Storm or non-storm water from such designated area shall not be discharged into City storm drainage systems but disposed of in accordance with Federal, State, and Local laws and regulations.

As a standard condition, a final drainage study will be required in conjunction with the preparation of the project grading plans. The proposed drainage improvements as described above would improve the overall on-site drainage system and accommodate the proposed project. The drainage facilities shall be installed at the time of the site development to the satisfaction of the City Engineer.

The mitigation measures contained in Section F below would mitigate potential hydrology/water impacts to below a level of significance. These measures are included as a part of the Mitigation Monitoring and Reporting Program.

### Noise

A noise study was prepared by Kimley-Horn and Associates, Inc., *Exterior Noise Analysis Report*, dated May 1, 2006 to assess potential noise impacts of the proposed project. The noise assessment analyzed the project with respect to the regulations contained in the Chula Vista Municipal Code (noise control ordinance). A copy of the noise study is available for review at the Planning and Building Department.

#### *Existing Conditions*

The project site is currently vacant and surrounded by multifamily residential, commercial, schools and medical facility land uses. The project site is adjacent to Third Avenue and next to a parcel directly adjacent to L Street. The existing noise is primarily generated by traffic that travels along Third Avenue and L Street with existing Average Daily Traffic (ADT) volume of 20,000 and 14,000 vehicles, respectively.

#### *Existing Plus Project Conditions*



The noise generators (traffic) will remain the same, as the proposed project is a mixed use that contains primarily residential and minimal commercial land use. The future traffic volumes projected for Third Avenue and L Street are 25,000 and 15,000 vehicles; an increase of 5,000 and 1,000 vehicles respectively.

The commercial space will be located at the northeastern portion of the project site at ground level adjacent to Third Avenue. No commercial related significant impacts will result from the retail portion of the proposed project; 4,000 square feet of retail use.

The future traffic noise will have a maximum level of 53 dBA CNEL at the pool and courtyard areas. The proposed patios/balconies facing Third Avenue will have future noise levels up to 70 dBA CNEL. All other patios/balconies throughout the project site will be below the 65 dBA CNEL levels. The City's dBA CNEL exterior noise requirement for residential land use is 65 dBA CNEL. The patios/balconies located adjacent to Third Avenue will be impacted by the future traffic noise levels and will require mitigation to lessen the level of significance. The mitigation recommended is a five-foot sound attenuation barrier along the perimeter of the patio/balcony. The wall barrier shall be solid in construction with no holes or gaps. In order to maintain a view, the barrier may include glass or plexiglass with a minimum density of 3.5 lbs./foot<sup>2</sup>. The mitigation measures contained in Section F below would mitigate future exterior traffic noise impacts to the patios/balconies adjacent to Third Avenue below a level of significance and in compliance with the City of Chula Vista Noise Ordinance standards.

#### *Short-Term Construction Noise*

Pursuant to Section 17.2.050(J) of the Chula Vista Municipal Code, construction work (including demolition) in residential zones that generates noise disturbing to persons residing or working in the vicinity is not permitted between 10:00 p.m. and 7:00 a.m. Monday through Friday and between 10:00 p.m. and 8:00 a.m. Saturday and Sunday, except when necessary for emergency repairs required for the health and safety of any member of the community. Due to the presence of the adjacent multi-family residential development and sensitive population (medical center) and school, this provision of the Municipal Code applies to the project and would ensure that the residents and occupants would not be disturbed by construction noise during the most noise sensitive periods of the day.

#### *Outdoor/Rooftop Mechanical Equipment Noise*

Heating, ventilation and air conditioning (HVAC) equipment is proposed on the roof of the residential buildings. The noise generated by the HVAC equipment would vary depending on the type and size of the mechanical equipment. Based upon the preliminary mechanical plans and lack of complete noise assessment due to unavailability of final rooftop mechanical plans, the study concluded that noise generated from the HVAC could exceed the City's noise standard. Noise impacts related to the outdoor mechanical equipment are considered significant. Therefore, an additional acoustical study shall be required to ensure that the multiple floor interior noise levels of the residential use would not exceed the 45 CNEL standard. The mitigation measures contained in Section F below have been included to mitigate HVAC/or rooftop mechanical equipment noise impacts to below a level of significance.

#### *Truck Deliveries*

Due to ample designated commercial parking available on the site, restriction of delivery hours limited between the hours of 7:00 a.m. and 10:00 p.m. and State law limiting truck idling, no adverse

noise impacts are anticipated. The mitigation measures contained in Section F below would mitigate potential noise impacts to below a level of significance. These measures are included as a part of the Mitigation Monitoring and Reporting Program.

#### Transportation/Traffic

To identify potential traffic impacts associated with the project development, a *Traffic Analysis Report/Site Access Analysis – Creekside Vistas, Chula Vista dated May 22, 2006* was prepared by RBF Consulting, Inc. The traffic analysis is summarized below.

#### *Analysis Methodology/Significance Criteria*

In order to anticipate cumulative future projects in the area, a conservative methodology approach was applied to the existing traffic volumes. This created a foundation or baseline for the proposed project impacts to be measured and used in the traffic analysis.

#### *Existing Plus Proposed Conditions/Trip Generation*

The proposed project site is currently vacant. The Creekside Vistas project is proposed as a mixed-use development. The project is forecast to generate approximately 1,496 average daily trips (ADTs); the residential condo portion will generate 1,336 trips and the specialty retail 160 trips. Including 24 inbound and 88 outbound trips during the AM peak hour, and 91 inbound and 43 outbound trips during the PM peak hour.

#### *Access*

The project site is currently accessed via three driveways along Third Avenue that will continue to provide access to the project site. Driveway 1 is located 232 feet south of L Street and will be used as a Fire Lane. The mid driveway (Driveway 2) from Third Avenue provides access into the parking structure. The floor of the garage will be at the same elevation of Third Avenue and throughout the first floor, therefore, vehicles will not be required to go up or down a ramp. The furthest driveway to the south, Driveway 3, is designated as a private driveway. Surface level parking is provided along this private drive (Private Drive "A"). Residents will take access to the parking structure from Private Drive "A" only. A clear line of sight shall be provided at each driveway based upon required building setbacks, signage and landscaping in accordance with development plans.

#### *Parking*

Surface level and subterranean parking will be provided on site. A total of 28 surface level parking spaces will be provided along a private drive. Approximately 24 parking spaces are allocated for commercial use only and designated as a restricted parking use area. The remaining 340 parking spaces will be provided within the subterranean parking structure (podium). The parking spaces are divided from the commercial parking spaces by a fence within the parking structure. In addition, surface level parking is provided along the private drive "A". In accordance with the City Municipal Code/Parking Ordinance (Section 19.62), the proposed project is in conformance with the required parking code quota.

#### *On-Site Circulation/Sight Distance*

Four interior private roads are provided on site identified on the development plans as the Fire Lane, Private Drive "A", Private Drive "B" and Private Drive "C". Both the Fire Lane and Private Drive "A" dead end on site. There are no sight distance issues anticipated at the Fire Lane off Third Avenue. According to the Fire Department adequate turn around space is provided on each roadway

that allows emergency vehicles and vehicle/truck circulation adequate queing and turnaround. In addition, the Fire Lane is 20 feet in width and at the terminus of the fire lane a hammerhead turnaround as reflected in the project design meets the Fire Department standards. Private drives as reflected in the development plans and through project design meet adequate turnaround radius requirements according to the Engineering Department.

Private Drive "A" slopes down approximately 5% away from Third Avenue. The road crests at the top of the project right-of-way. As exhibited in the development plans, no sight issues occur from northbound and southbound traffic. The finished grade of the parking structure is even with the grade of Third Avenue, at that specific location. The building setback is adequate to provide a clear line of sight for vehicles exiting the parking structure onto Third Avenue.

The proposed accessibility and circulation have been adequately addressed. No significant traffic impacts will result relative to traffic circulation and site access.

#### *Operational Assessment (Intersection)*

An operational assessment of the signalized intersection at Third Street and L Street was studied as required by the Engineering Department. The intersection is currently operating at a Level of Service "C" and it has been determined that it will continue operating at LOS "C" with the project generated traffic trips. No significant intersection/capacity related traffic impacts would result from the proposed project.

#### F. Mitigation Necessary to Avoid Significant Impacts

##### Air Quality

1. The following air quality construction mitigation requirements shall be shown on all applicable grading, and building plans as details, notes, or as otherwise appropriate, and shall not be deviated from unless approved in advance in writing by the City's Environmental Review Coordinator. The City mitigation measure monitor will ensure compliance of the following:
  - Minimize simultaneous operation of multiple construction equipment units.
  - Use low pollutant-emitting construction equipment.
  - Use electrical construction equipment as practical.
  - Use catalytic reduction for gasoline-powered equipment.
  - Use injection-timing retard for diesel-powered equipment.
  - Water the construction area twice daily to minimize fugitive dust.
  - Stabilize graded areas as quickly as possible to minimize fugitive dust.
  - Pave permanent roads as quickly as possible to minimize dust.
  - Use electricity from power poles instead of temporary generators during building, if available.
  - Apply stabilizer or pave the last 100 feet of internal travel path within a construction site prior to public road entry.
  - Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.
  - Remove any visible track-out into traveled public streets within 30 minutes of occurrence.
  - Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
  - Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
  - Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling; and

- Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour.
- Any construction equipment exceeding 100 brake-horsepower must meet Tier 3 emission limits during the grading phase of project construction in accordance with the project's Air Quality Impact Analysis dated August 25, 2006.

#### Biological Resources

2. To ensure no indirect impacts to nesting raptors and other migratory birds occur during construction (including clearing and grubbing) construction activities adjacent to nesting habitat should occur outside of the raptor and general avian breeding season (January 15 to August 31). ~~To avoid any direct impacts to nesting raptors and/or migratory birds, construction must occur outside of the breeding season for these species (January 15 through September 30).~~ If construction must occur during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction surveys must be performed by a City-approved biologist to determine the presence or absence of for nesting raptors and/or migratory birds within 300-feet of the construction area and nesting raptors within 500-feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval. If nesting birds and/or raptors are detected by the City-approved biologist, a bio-monitor must be present onsite during construction to minimize construction impacts and ensure that no nests should be removed or ~~disturbed until all young have fledged.~~
3. Prior to issuance of any land development permit, including clearing and grubbing or grading permits, temporary orange biological fencing shall be installed around the one mature Coast Live Oak located adjacent to Telegraph Creek. The applicant shall retain a City-approved biologist to delineate the dripline of the Coast Live Oak and monitor the installation of the temporary fencing. This fencing shall be shown on both grading and landscape plans, and installation and maintenance of the fencing shall be verified by the City's Mitigation Monitor.
4. Prior to issuance of any land development, including clearing and grubbing or grading permits, the applicant shall prepare and submit a landscape plan to the City for review and approval. All proposed landscaping shall avoid the use of non-native invasive species including, but not limited to, the species listed in Appendix N of the MSCP Subarea Plan.
5. Prior to issuance of any land development, including clearing and grubbing or grading permits, the applicant shall secure 0.15-acre of Non-Native Grassland (Tier III habitat) in a City- approved location or mitigation bank within the City's Preserve for impacts to 0.3 acre of Non-Native Grassland. In the event mitigation credits are secured in a City-approved location or mitigation bank outside of the Preserve, the applicant shall secure 0.3-acre of Non-Native Grassland habitat at a 1:1 ratio. Verification that mitigation credits have been obtained shall be provided to the City prior to approval of any land development permits. Should mitigation credits be secured in a City-approved location outside of a mitigation bank, the applicant shall prepare a Management and Monitoring Plan (MMP) to be submitted to the City for review and approval. The applicant shall also be responsible for maintaining the biological integrity of the Non-Native Grassland habitat in perpetuity and shall abide by all management and monitoring measures identified in the MMP until such time as an appropriate management entity has been identified and approved by the City.
6. Prior to issuance of any land development permits, including clearing and grubbing or grading permits, the project shall implement Best Management Practices (BMPs) identified in the Storm Water Pollution Prevention Plan. BMPs shall be noted on grading plans and implemented during clearing and site development to the satisfaction of the City Engineer.

7. Prior to issuance of any land development permits, including clearing and grubbing or grading permits, the project will be required to obtain a HLIT Permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Non-Native Grasslands.
8. Prior to issuance of any land development permit, including clearing and grubbing or grading permits, temporary orange biological fencing shall be installed around the wetland resources on the project site that will not be impacted by the proposed project. In addition, the applicant must retain a qualified City-approved biologist to monitor the installation and on-going maintenance of this temporary fencing adjacent to the wetland resources. This fencing shall be shown on both grading and landscape plans, and installation and maintenance of the fencing shall be verified by the City's Mitigation Monitor.
9. Prior to issuance of any land development permit, including clearing and grubbing or grading permits, the applicant shall designate the area of wetland resources onsite as an open space parcel to ensure no future development is permitted within this area.
10. Prior to issuance of any land development permit, including clearing and grubbing or grading permits, the applicant shall prepare a Management and Monitoring Plan (MMP) to be submitted to the City for review and approval. The applicant shall also be responsible for maintaining the biological integrity of the required open space area in perpetuity and shall abide by all management and monitoring measures identified in the MMP until such time as an appropriate management entity has been identified and approved by the City. Prior to issuance of any land development permit, including clearing and grubbing or grading permits, the applicant shall provide evidence to the City that a City-approved biologist has been retained to monitor and manage the open space parcel until an appropriate management has been identified.

#### Geology and Soils

- ~~9.11.~~ Prior to the issuance of construction permits, the applicant shall provide evidence to the City Engineer and the City Environmental Review Coordinator that all the recommendations in the *Preliminary Geological Reconnaissance Report*, dated July 7, 2006 have been satisfied.

#### Hazards and Hazardous Materials

- ~~10.12.~~ In the event any on-site or offsite conditions change, specifically related to the LUST/monitoring well site adjacent to the north, additional assessment may be necessary by a qualified environmental professional to assess those areas of concern and potential impacts to the project site. This may include the preparation and submittal of a written analysis, identifying the areas of concern with appropriate measures, to the Environmental Review Coordinator and San Diego Regional Water Quality Control Board (RWQCB) for review.

#### Hydrology and Water Quality

- ~~11.13.~~ Due to the location of the project next to a waterway and potential for substantial impacts to water quality, the applicant/developer shall be required to implement post-construction Best Management Practices (BMPs) to the Maximum Extent Practicable, including the use of high pollutant removal efficiency treatment BMPs to the satisfaction of the City Engineer.
- ~~12.14.~~ Prior to the issuance of a grading permit, a final drainage study shall be required in conjunction with the preparation of final grading plans. The City Engineer shall verify that the final grading plans comply with the provisions of California Regional Water Quality Control Board, San Diego Region Order No. 2001-01 with respect to construction-related water quality best management practices. If one or more of the approved post-construction BMPs is non-structural, then a post-construction BMP plan shall be prepared to the satisfaction of the City Engineer prior to the commencement of construction. Compliance with said plan shall become a permanent requirement of the Mitigation Monitoring and Reporting Program.

~~13.15.~~ Prior to issuance of a grading permit, including clearing and grubbing activities, temporary desilting and erosion control devices shall be installed. Protective devices, as determined by the City Engineer, will be provided at every storm drain inlet to prevent sediment from entering the storm drain system or entering the Telegraph Creek Channel. These measures shall be reflected in the grading and improvement plans to the satisfaction of the City Engineer and Environmental Review Coordinator.

#### Noise

~~14.16.~~ A 5-foot high noise sound barrier wall shall be installed around the perimeter of the patio/balconies adjacent to Third Avenue. The height of the sound barriers is based upon the finished pad elevation of the patio/balcony and must be solid in construction with no holes or gaps. To preserve a view, glass or plexiglass with a minimum density of 3.5 lbs/foot<sup>2</sup> may be substituted for other construction materials. The sound barrier shall be constructed in accordance with the revised noise study dated May 1, 2006, and with the development and grading plans to the satisfaction of the City Engineer and Environmental Review Coordinator.

~~15.17.~~ Pursuant to Section 17.24.050(J) of the Chula Vista Municipal Code, project-related grading or construction activities shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday and between 10:00 p.m. and 8:00 a.m. Saturdays and Sundays.

~~16.18.~~ All construction equipment shall operate and be maintained to minimize noise generation. Equipment and construction vehicles shall be kept in good repair and fitted with "manufacturer-recommended" mufflers.

~~17.19.~~ The construction equipment storage area shall be located in an area of the project site furthest away from the adjacent medical center and adjacent residential properties. This area shall be indicated on the development and grading plans to the satisfaction of the City Engineer and Environmental Review Coordinator.

~~18.20.~~ Prior to approval of building permits, the applicant shall submit a subsequent noise study to the satisfaction of the Environmental Review Coordinator demonstrating that the final roof-mounted HVAC and other roof mounted equipment complies with the City's noise control ordinance at the property boundaries of 45 dBA Leq (one hour) during nighttime hours and 55 dBA Leq (one hour) during daytime hours or ambient noise levels, whichever is greater.

~~19.21.~~ All rooftop pumps, fans, and air conditioners/heating units on the project buildings shall include appropriate noise abatement and be screened by a minimum three-foot high rooftop parapet that blocks the line-of-site view from the backyards of the nearby residential properties to the exposed roof and mechanical ventilation systems.

~~20.22.~~ Truck deliveries shall be restricted between the hours of 7:00 a.m. and 10:00 p.m.

~~21.23.~~ All diesel delivery trucks shall turn off their engines during unloading/unloading activities at the designated commercial parking areas whenever possible. In the event a delivery truck is not able to immediately enter the designated commercial parking areas, the diesel truck idling shall be restricted to a five-minute limitation in accordance with State law. No truck loitering shall be allowed on the parking lots or surrounding project area.

G. Agreement to Implement Mitigation Measures

By signing the line(s) provided below, the Applicant and Operator stipulate that they have each read, understood and have their respective company's authority to and do agree to the mitigation measures contained within Mitigated Negative Declaration IS-06-008, and will implement same to the satisfaction of the Environmental Review Coordinator. Failure to sign the line(s) provided below prior to posting of this Mitigated Negative Declaration with the County Clerk shall indicate the Applicant's and Operator's desire that the Project be held in abeyance without approval and that the Applicant and Operator shall apply for an Environmental Impact Report.

Terry R. Plowden, Managing Director  
Printed Name and Title of Applicant Douglas Wilson Companies  
(or authorized representative)

10/19/06  
Date

Terry R. Plowden  
Signature of Applicant  
(or authorized representative)

10/19/06  
Date

N/A  
Printed Name and Title of Operator  
(if different from Applicant)

\_\_\_\_\_  
Date

N/A  
Signature of Operator  
(if different from Applicant)

\_\_\_\_\_  
Date

## H. Consultation

### 1. Individuals and Organizations

#### City of Chula Vista:

Steve Power, Planning and Building Department  
Luis Hernandez, Planning and Building Department  
Frank Alvarez, Community Development  
Steve Power, Planning and Building Department  
Garry Williams, Planning and Building Department  
Silvester Evetovich, Engineering Division  
Jim Newton, Engineering Division  
Frank Rivera, Engineering Division  
David Kaplan, Engineering Division  
Ben Herrera, Engineering Division  
Sohaib Al-Agha, Engineering Division  
Hasib Baha, Engineering Division  
Khosro Aminpour, Engineering Division  
Rima Thomas, Engineering Division  
Michael Maston, Engineering Division  
Gary Edmunds, Fire Department  
Justin Gipson, Fire Department  
Lynn France, Conservation and Environmental Services Department

#### Others:

Dee Peralta, Chula Vista Elementary School District  
Sweetwater Authority

### 2. Documents

City of Chula Vista General Plan Update, 2005.

Final Environmental Impact Report, City of Chula Vista General Plan Update, EIR No. 05-01, December 2005.

City of Chula Vista MSCP Subarea Plan, February 2003.

Traffic Impact Analysis for Creekside Vistas, Chula Vista, CA and dated May 22, 2006 (RBF Consulting).

Noise Impact Analysis for Creekside Vistas, Chula Vista, CA and dated May 1, 2006 (Kimley-Horn and Associates, Inc.).



Biological Resources Report (General Biological Survey and Jurisdictional Wetland Delineation) for the *Proposed Creekside Vistas, Chula Vista, CA* and dated July 13, 2006 (Merkel & Associates, Inc.).

Phase I Environmental Site Assessment for *912, 930 and 942 Third Avenue, Proposed Creekside Vistas Project, Chula Vista, San Diego County, CA* and dated July 7, 2005 (Leighton and Associates, Inc.).

Phase II Environmental Site Assessment for *912, 930 and 942 Third Avenue, Chula Vista, San Diego County, CA* and dated August 12, 2005 (Leighton and Associates, Inc.).

Air Quality Impact Analysis for the *Proposed Creekside Vistas, Chula Vista, CA* and dated August 25, 2006 (Hans Giroux, Inc.).

Preliminary Geological Reconnaissance for the *Proposed Residential Development, Third Avenue, Chula Vista, CA* and dated July 7, 2005 (Leighton and Associates, Inc.).

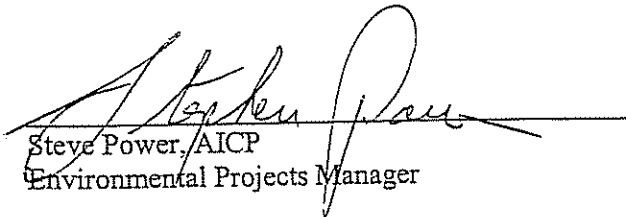
Preliminary Drainage Report for the *Proposed Creekside Vistas Project, Chula Vista, CA* and dated February 2006 (Project Design Consultants).

Cultural Resource Survey for the *Proposed Creekside Vistas Project near L Street and Third Avenue, Chula Vista, CA* and dated January 13, 2006 (ASM Affiliates).

Water Quality Technical Study for the *Proposed Creekside Vistas Project, Chula Vista, CA* and dated August 2006 (Project Design Consultants).

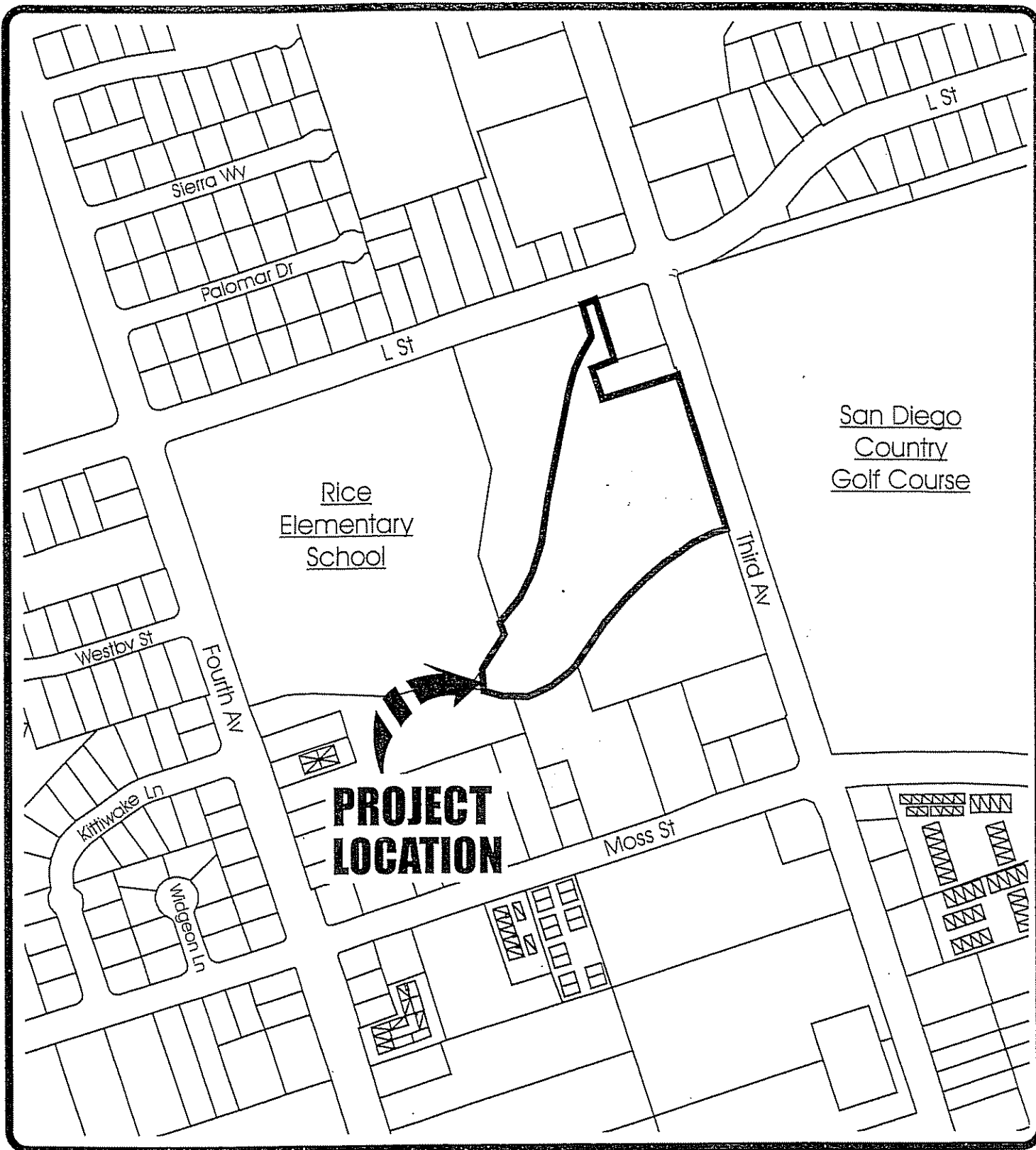
### 3. Initial Study

This environmental determination is based on the attached Initial Study, and any comments received in response to the Notice of Initial Study. The report reflects the independent judgment of the City of Chula Vista. Further information regarding the environmental review of this project is available from the Chula Vista Planning and Building Department, 276 Fourth Avenue, Chula Vista, CA 91910.

  
Steve Power, AICP  
Environmental Projects Manager

Date: 10/19/06

J:\Planning\MARIA\Initial Study\Creekside Vistas\IS-06-008DraftMND.doc



## CHULA VISTA PLANNING AND BUILDING DEPARTMENT

### LOCATOR



NORTH

PROJECT APPLICANT: Creekside Vistas, LLC. C/o Douglas Wilson Companies.

PROJECT ADDRESS: 914-942 Third Av.

SCALE: No Scale

FILE NUMBER: IS-06-00

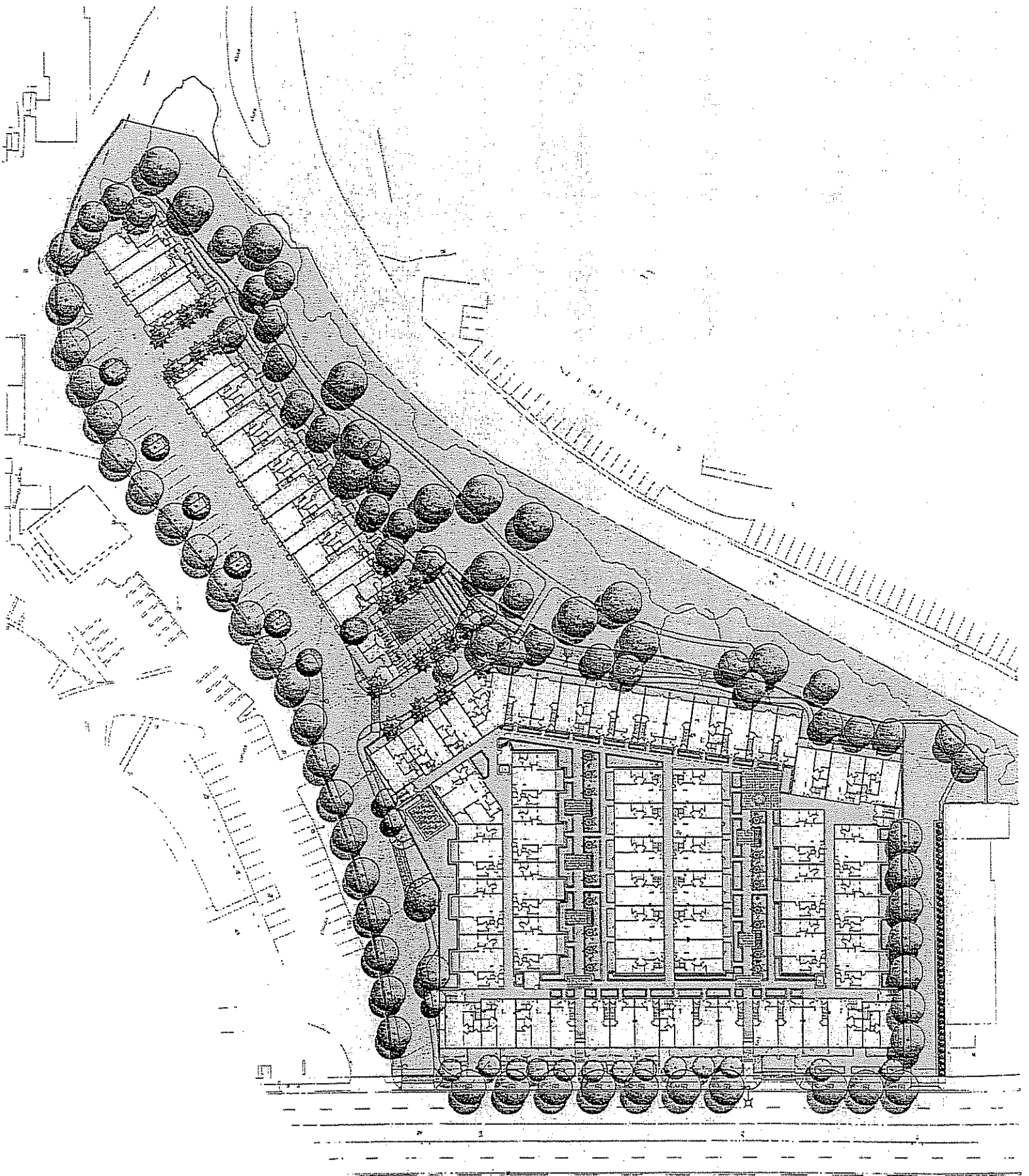
### PROJECT DESCRIPTION:

### **DESIGN REVIEW**

Proposal is for 167 multi-family residential units and 4,000 sq. ft. of ground floor retail commercial.

3 - 38

16, PCZ-06-04, DRC-06-35, PCC-06-026



Douglas Wilson Companies

## Creekside Vistas

C

3 - 39

nia



**KTGY GROUP, INC.**  
Architecture • Planning  
#20050658 07.05.06

EXHIBIT "D"

## Response A

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 304  
SACRAMENTO, CA 95814

(916) 563-4022

Fax (916) 857-5300

Web Site: www.nahc.ca.gov



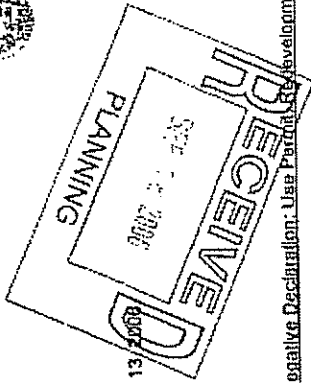
September 13, 2006

Ms. Maria Muell, Associate Planner

City of Chula Vista

278 Fourth Avenue

Chula Vista, CA 91910

Re: SCH#2006091018: CEQA Notice of Completion: Mitigated Negative Declaration: Use Permit for Development  
Area: Creekside Vista Project, San Diego County, California

Dear Ms. Muell:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a "significant effect" requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of project effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

1. Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will

determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation formal to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range, and section.
  - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact, particularly the contacts of the on the list.

A-1 The letter states that Sections 15064.5 (b)(c) of the California Environmental Quality Act (CEQA) Guidelines require that any project that would cause a substantial adverse change to a historic resource (including archaeological resources) is a significant impact and would necessitate the preparation of an environmental impact report (EIR). This section of the Guidelines defines a significant change in a historical resource as one that demolishes or materially alters the physical characteristics of a resource that conveys the historic significance of that resource. Specifically, §15064.5(b)(1) identifies a significant effect on the environment if there is a substantial adverse change in the significance of a historical resource. A substantial adverse change in a historic resource is defined in CEQA as follows:

*Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired.*

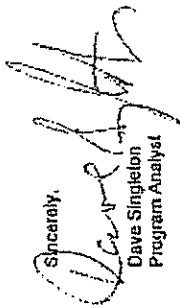
The adoption of the Mitigated Negative Declaration for the Creekside Vistas will not result in any physical changes that substantially create or adversely affect archaeological resources. As disclosed in the Mitigated Negative Declaration/Initial Study Checklist, a Cultural Resource Study was prepared and no potentially significant historic or prehistoric archaeological resources or specific resources were identified. Therefore, in accordance with the California Environmental Quality Act (CEQA) it was determined that no mitigation measures were required.

## Response A Continued

- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans. The Specific Plan also triggers SB 18 consultation requirements (same list of contacts).
- CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native American identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave items.
- ✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (g) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
- ✓ Lead agencies should consider avoidance, as defined in § 15320 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

  
Dave Singleton  
Program Analyst

Cc: State Clearinghouse  
Attachment: List of Native American Contacts

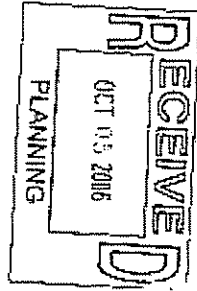
A-2 This comment notes that surface evidence (or lack thereof) of archaeological resources does not preclude their subsurface existence, and mitigation for archaeological resources must be required. The certified EIR for the adopted City of Chula Vista General Plan Update (EIR-05-01) found that the General Plan would not affect any formal cemeteries or known burials outside of formal cemeteries. EIR-05-01 also found that when currently vacant areas are developed, there is the potential that presently unknown human remains may exist that would be disturbed through development. Policy LUT 10.6 of the GPU requires that an assessment and mitigation of impacts resulting from private development and public projects be completed in accordance with CEQA. The CEQA Guidelines Section 15064.5(e) specifically addresses the accidental discovery of human remains. The Creekside Vistas project is fully consistent with the adopted General Plan Update. Compliance with policy LUT 10.6 would reduce adverse impacts to these as yet unknown resources.

DEPARTMENT OF TRANSPORTATION

Letter 11 - 4050 Taylor St. - M.S. 340  
 San Diego, CA 92110  
 PHONE (619) 638-6254  
 FAX (619) 668-4200



Please print  
 or type name



October 2, 2006

Ms. Maria Muell  
 City of Chula Vista  
 276 Fourth Avenue  
 Chula Vista, CA 91910

11-SD-1005  
 PM 6:01

Response B

State of California - Department of Transportation (District 11)  
 (Response Letter dated October 2, 2006)

RE: Creekside Vistas - MND (SCH 2006091019)

Mr. A.G. Muell:

California Department of Transportation (Caltrans) appreciates the opportunity to review Mitigated Negative Declaration (MND) for the proposed Creekside Vistas project, including the construction of a 4,000 square foot retail building and 167 residential dwelling on approximately 5.5 acres east of Interstate 5 (I-5) along 'L' Street in Chula Vista.

Proposed, the development has the potential to produce an estimated 2,110 Average Daily Traffic (ADT) and may potentially impact existing and future state transportation facilities in the area (e.g., I-5, and associated on- and off-ramps). A traffic impact study (TIS) may be needed to assess the project's impact as well as to identify possible mitigation measures. The study should be prepared in accordance with the Caltrans *Guide for the Preparation of Traffic Impact Studies*, dated December 2002 (TIS guide). Minimum contents of a traffic impact study are listed in Appendix "A" of the TIS guide. The TIS should determine where and what type of improvements might be needed to mitigate for future traffic generated by this development. Caltrans supports the concept of "fair share" contributions on the part of developers for future interchange improvement projects, ramp improvements, signal installations, and/or other mitigation measures.

Caltrans appreciates the opportunity to review this project proposal. If you have questions regarding the Department's comments, please contact Brent McDonald at (619) 688-6819.

Sincerely,

*[Signature]*

MARIO H. ORSO, Chief  
 Development Review Branch

"Caltrans Approved" not to be used without permission

B-1 As stated on Page 11 of the Mitigated Negative Declaration, the Traffic Analysis prepared by RBF Consulting, Inc., dated May 22, 2006 assessed potential transportation, traffic and site access impacts associated with the proposed project. The City of Chula Vista's Guidelines for Traffic Impact Studies contain threshold standards to determine the extent of traffic reviews for projects within the City's jurisdiction. These guidelines include the Congestion Management Plan (CMP) threshold standard, which requires an analysis of CMP freeways and arterials for any projects that generate 2,400 daily, or 200 peak hour trips. The project is projected to generate approximately 1,496 average daily trips, which does not meet the CMP threshold standard and does not warrant a traffic analysis of CMP freeways and arterials.

B-2 A "Fair Share Contribution" is not applicable, as there are no anticipated traffic impacts to State facilities and the project does not require interchange improvement projects, ramp improvements, signal installations, and/or other mitigation measures.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
 Coastal Fish and Wildlife Office  
 6010 Hidden Valley Road  
 Carlsbad, California 92011



In Reply Refer To:  
 FWS-SDG-5061.1

Mr. Steve Power  
 Planning and Building Department  
 City of Chula Vista  
 276 Fourth Avenue  
 MS P-100  
 Chula Vista, California 91910

OCT 4 2006

Subject: Comments on the Draft Mitigated Negative Declaration for the Creekside Villas  
 Subdivision, Chula Vista, County of San Diego, California

Dear Mr. Power:

The U.S. Fish and Wildlife Service (Service) has reviewed the above referenced Mitigated Negative Declaration (MND) and supporting documentation for the Creekside Villas subdivision, which we received on September 6, 2006. The project site is located in the City of Vista (City) in southwestern San Diego County (County). The project is located in the eastern part of the City, southwest of the I. Steel and Third Avenue intersection, between L Street and Moss Street. The project site is located within the City's Multiple Species Conservation Program (MSCP) Subarea Plan boundaries.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act (16 U.S.C. 1531 et seq.). The comments provided herein fulfill the Service's obligations and are based on the information provided in the MND and associated documents, our project files, the Service's knowledge of sensitive and declining vegetation communities in the County, and our participation in regional conservation planning efforts.

The project site is 5.5 acres in size and consists of four adjoining parcels. The proposed project consists of construction of a mixed-use development that includes 167 multi-family residential units. The site is within the Redevelopment Project Area of the City. The site was previously developed but has been vacant for many years. A natural drainage channel (Telegraph Canyon Creek) runs along the western perimeter of the project site. On-site vegetation exists primarily along the drainage channel. The proposed open space area lies outside of an existing on-site floodplain and wetland area. The project site supports 4.6 acres of disturbed lands, 0.3 acre of non-native grassland (NNG), 0.3 acre of eucalyptus woodland, 0.04 acre of southern willow scrub, and 0.3 acre of disturbed wetland. One coast live oak tree resides on-site. No sensitive plant or animal species were detected during on-site surveys. All surrounding land is currently developed with residential or commercial uses.

The proposed project will directly impact all upland habitat on-site. In order to avoid impacts to Telegraph Canyon Creek (Creek), the proposed project is designed to retain the Creek and all associated wetland resources surrounding it. Impacts to NNG are considered significant and will be mitigated through the purchase of mitigation credits at a City approved mitigation bank. If credits are purchased within the City's Preserve Management Area (PMA), the Project Applicant will purchase 0.15 acre of NNG (0.5:1 ratio). If the mitigation credits are purchased in a mitigation bank outside the PMA, the Project Applicant will need to purchase 0.3 acre of NNG (1:1 ratio). The coast live oak tree on-site will not be removed. All eucalyptus woodland acreage on-site will be removed during project construction. To mitigate for potential impacts to nesting raptors and/or migratory songbirds from the removal of eucalyptus trees, the proposed project provides for funds on construction activity during the general avian breeding season.

Response C

United States Department of the Interior/Fish and Wildlife Service  
 (Response Letter dated October 4, 2006)

C-1 Comments noted. This language provides a project description and does not address the adequacy of the Mitigated Negative Declaration (IS-06-008).

Mr. Steve Power (FWS-SDG-5061.1)

2

## Response C Continued

We recognize that mitigation measures have been incorporated into the project to minimize impacts to sensitive biological resources. However, additional avoidance and minimization measures will further reduce the project's impacts to sensitive habitats and species. To assist the City in further minimizing and mitigating project impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts, we offer our recommendations and comments in the Enclosure. Our comments are summarized as follows: (1) provide a conservation easement over the open space on-site, (2) revise the mitigation measure concerning raptors and migrating songbirds, and (3) revise the mitigation measure concerning the purchase of NNG credits.

Thank you for the opportunity to comment on this MND and associated documentation. If you have any questions regarding this letter, please contact Amber Hines at the Service at (760) 431-9440 ext 208.

Sincerely,



for  
Therese O'Rourke  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

sa/c

David Meyer, California Department of Fish and Game

C-2 As recommended by the United States Fish and Wildlife (USFWS), to further minimize project impacts to sensitive biological resource and ensure that the project continues with regional habitat conservation planning efforts, the Mitigated Negative Declaration has been revised to incorporate the USFWS request for a legal mechanism to ensure the protection of wetland resources onsite and revised mitigation measures provided by the USFWS. The new and revised mitigation measures are in response to comments regarding significant biological resource impacts that were already identified in the Mitigated Negative Declaration. Changes include the placement of the wetland resources onsite within an open space parcel to ensure the area is preserved and managed in perpetuity. In addition, as requested by the USFWS, revisions to existing mitigation measures have also been made with minor modifications. No new significant impacts or conditions of approval are identified or created in accordance with 14 Cal Code Regulations and California Environmental Quality Act (CEQA) Section 15073.5.



## Response C Continued

U.S. FISH AND WILDLIFE SERVICE COMMENTS ON THE DRAFT MND FOR THE  
CREEKSIDE VISTAS SUBDIVISION

1. The MND indicates that the Creek and wetland resources within the project site would be preserved as a natural open space lot, but does not specify the legal mechanism whereby this would be achieved. We appreciate that the project footprint will avoid all wetland habitat on site; however, we recommend that the final MND require that the proposed wetland open space area be preserved and managed in perpetuity and be placed within a conservation easement. Prior to issuance of any land development permits, including clearing and grubbing or grading permits, the applicant should prepare a Management and Monitoring Plan to be submitted to the City for review and approval. The Applicant should also be responsible for maintaining the biological integrity of the required open space area in perpetuity and should abide by all management and monitoring measures identified in the Management and Monitoring Plan until such time as an appropriate management entity has been identified and approved by the City. The Applicant should provide evidence that a City-approved biologist has been retained to monitor and manage the open space for until appropriate management entity has been identified.

2. Mitigation measure 1. In order to limit construction disturbance to raptors and migratory birds, we recommend that mitigation measure 1 be modified, as follows:

Although the site does not support sensitive habitat, eucalyptus trees can support nesting raptors and the drainage channel on-site could support nesting migratory birds. To ensure that nesting raptors and other migratory birds are not affected by construction activities, the clearing and grubbing of, and construction adjacent to, eucalyptus trees, or habitats where raptors or other migratory birds could nest, should occur outside of raptor and general avian breeding season (January 15 to August 31), or sooner if a qualified biologist demonstrates to the satisfaction of the Wildlife Agencies that all nesting is complete. If construction (other than vegetation clearing and grubbing) must occur during the breeding season, prior to initiating any construction-related activities (including removal of vegetation), pre-construction surveys must be performed by a City-approved biologist to determine the presence or absence of nesting birds within 300-feet (500 feet for raptors) of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, a bio-monitor should be on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged.

3. Mitigation measure 5. The text of mitigation measure 5 should read as follows (text in bold is added, strikethrough text should be deleted):

- a. Prior to issuance of any land development, including clearing and grubbing or grading permits, the applicant shall secure **0.15 acre of non-native grassland (Tier III habitat)** in a City-approved mitigation bank **within the City's Preserve Management Area** ~~location~~ for impacts to 0.3 acre of non-native grassland. In the event mitigation credits are secured in a City-approved mitigation bank ~~location~~ outside of the Preserve Management Area, the applicant shall secure **0.3 acre of non-native grassland habitat.** Verification that mitigation credits have been obtained shall be provided to the City prior to approval of any land development permits.

C-3 Comments noted. Comments noted. The Final Mitigated Negative Declaration (IS-06-008) has been revised to incorporate the recommended Conservation and Management Plan measures and suggested changes with minor modifications.



Justin S. Adams  
Secretary for  
Environmental Protection

## Department of Toxic Substances Control

Maureen F. Gorman, Director  
3738 Corporate Avenue  
Cypress, California 90630



David Schwaninger  
Researcher

## Response D

### State of California, Department of Toxic Substances Control (Response Letter dated October 10, 2006)

October 10, 2006

Ms. Maria Muett  
Associate Planner  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, California 91910

NEGATIVE DECLARATION (ND) FOR CREEKSIDE VISTAS (SCH# 2006091018)

Dear Ms. Muett:

The Department of Toxic Substances Control (DTSC) has received your submitted Negative Declaration (ND) for the above-mentioned project. The following project description is stated in your document: "The 5.5 acre project site is located at 914-942 Third Avenue, Chula Vista. The proposal consists of a mixed-use development that includes a 4,000 square foot one story retail building and 167 multi-family residential units. The proposed project involves potential impacts to environmentally sensitive vegetation that will require a Habitat Loss, Incidental Take (HLIT) Permit in accordance with the City of Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan. The proposed project site is located in the CCP (Central Commercial/Precise Plan) Zoning and Multi-Use Residential General Plan land use designations."

Based on the review of the submitted document, DTSC has comments as follow:

- 1) The ND should identify and determine whether current or historic uses in the project area may have resulted in any release of hazardous wastes/substances.
- 2) The ND should identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. A Phase I Assessment may be sufficient to identify these sites. Following are the databases of some of the regulatory agencies:

Printed on Recycled Paper

D This comment letter was received by the City days after the 30-day public review period closed on October 5, 2006; however, it is included in the Response To Comments.

According to the Mitigated Negative Declaration, in order to assess potential hazards/hazardous material impacts, Phase I/Phase II site assessment reports were completed by Leighton and Associates, Inc., dated July 7, and August 12, 2005. Leighton and Associates are professional environmental site assessors and registered professional geologists licensed by the State of California. The onsite Phase I report revealed one 55-gallon drum (that has since been removed), no evidence of staining, and no above ground or underground storage tanks. According to the Phase I report and Geological Reconnaissance Study prepared by Leighton and Associates, undocumented fill was found on site. The undocumented fill was determined to be primarily residual concrete foundations and transient trash. The fill has since been substantially remediated.

A Phase II report was prepared in accordance with standard assessment procedures and identified three nearby off-site Leaking Underground Storage Tanks (LUST) cases. The Phase II concluded that these active cases are either currently underway or closed as regulated by the regional agencies; County of San Diego Department of Environmental Health Services (DEHS) and the Regional Water Quality Control Board (RWQCB). One site is still in the remediation process for removal of petroleum hydrocarbons. Appropriate mitigation measures were included in the event of any on-site or offsite conditions change specifically related to the leaking Underground Storage Tank (LUST) case in the nearby area. This was identified as part of the Mitigation Monitoring and Reporting Program, Section F of the Mitigated Negative Declaration. No other Mitigation Measures were required since no other potentially significant impacts were identified in the Phase I/II reports.

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3668, maintains a list of Formerly Used Defense Sites (FUDS).

3) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations, policies, and laws.

- 4) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including Phase I and II investigations, should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.
- 5) Proper investigation, sampling and remedial actions, if necessary, should be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.
- 6) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, except for a gas station, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."
- 7) If building structures, asphalt or concrete-paved surface areas or other structures are planned to be demolished, an investigation should be conducted for the presence of lead-based paints or products, mercury, and asbestos containing materials (ACMs). If lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations, policies, and laws.
- 8) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 9) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site, overseen by the appropriate government agency, might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

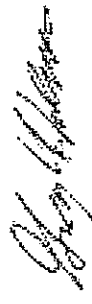
Ms. Maria Muett  
October 10, 2006  
Page 4

- 10) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 518-BB4Z.
- 11) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- If the project plans include discharging wastewater to a storm drain or surface water, it may be necessary to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
- If during construction/demolition in the Project area, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

DTSC provides guidance for cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

If you have any questions regarding this letter, please contact Mr. Joseph Kaslowski, Project Manager, at (714) 484-5471 or e-mail at [jkaslowski@dtsc.ca.gov](mailto:jkaslowski@dtsc.ca.gov).

Sincerely,



Greg Holmes  
Unit Chief  
Southern California Cleanup Operations Branch - Cypress Office

cc: See next page

Ms. Maria Muel  
October 10, 2008  
Page 5

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section  
CEQA Tracking Center  
Department of Toxic Substances Control  
P.O. Box 908  
Sacramento, California 95812-0808

JA # 1539

## ATTACHMENT "A"

### MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) CREEKSIDE VISTAS – IS-06-008

This Mitigation Monitoring and Reporting Program has been prepared by the City of Chula Vista in conjunction with the proposed Creekside Vistas project. The proposed project has been evaluated in an Initial Study/Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA) and City/State CEQA Guidelines (IS-06-008). The legislation requires public agencies to ensure that adequate mitigation measures are implemented and monitored for Mitigated Negative Declarations.

AB 3180 requires monitoring of potentially significant and/or significant environmental impacts. The Mitigation Monitoring and Reporting Program for this project ensures adequate implementation of mitigation for the following potential impacts(s):

1. Air Quality
2. Biological Resources
3. Geology and Soils
4. Hazards/Hazardous Materials
5. Hydrology and Water Quality
6. Noise
7. Transportation/Traffic

#### MONITORING PROGRAM

Due to the nature of the environmental issues identified, the Mitigation Compliance Coordinators shall be the Environmental Review Coordinator and City Engineer of the City of Chula Vista. The applicant shall be responsible to ensure that the conditions of the Mitigation Monitoring and Reporting Program are met to the satisfaction of the Environmental Review Coordinator and City Engineer. The applicant shall provide evidence in written form confirming compliance with the mitigation measures specified in Mitigated Negative Declaration IS-06-008 to the Environmental Review Coordinator and City Engineer. The Environmental Review Coordinator and City Engineer will thus provide the ultimate verification that the mitigation measures have been accomplished.

Table 1, Mitigation Monitoring and Reporting Program Checklist, lists the mitigation measures contained in Section F, Mitigation Necessary to Avoid Significant Effects, of Mitigated Negative Declaration IS-06-008, which will be implemented as part of the project. In order to determine if the applicant has implemented the measure, the method and timing of verification are identified, along with the City department or agency responsible for monitoring/verifying that the applicant has completed each mitigation measure. Space for the signature of the verifying person and the date of inspection is provided in the last column.

Table 1

| MITIGATION MONITORING AND REPORTING PROGRAM |                    |                        |                        |            |               |                   |           |      |          |
|---|--------------------|------------------------|------------------------|------------|---------------|-------------------|-----------|------|----------|
| Mitigation Measure No.                      | Mitigation Measure | Method of Verification | Timing of Verification |            |               | Responsible Party | Completed |      | Comments |
|   |                    |                        | T.M.                   | Pre Const. | During Const. | Post Const.       | Initials  | Date |          |
|   | AIR QUALITY        |                        |                        |            |               |                   |           |      |          |



Table 1

| 1.  | The following air quality mitigation requirements shall be shown on all applicable grading, and building plans as details, notes, or as otherwise appropriate: | Plan Check/Site Inspection | X | X | X | X | Applicant/ City Engineering Department/City Planning and Building Department |  |  | AIR QUALITY (CONT.) |
|---|--|----------------------------|---|---|---|---|--|--|--|---------------------|
| <ul style="list-style-type: none"> <li>Minimize simultaneous operation of multiple construction equipment units.</li> <li>Use low pollutant-emitting construction equipment.</li> <li>Use electrical construction equipment as practical.</li> <li>Use catalytic reduction for gasoline-powered equipment.</li> <li>Use injection-liming retard for diesel-powered equipment.</li> <li>Water the construction area twice daily to minimize fugitive dust.</li> <li>Stabilize graded areas as quickly as possible to minimize fugitive dust.</li> <li>Pave permanent roads as quickly as possible to minimize dust.</li> <li>Use electricity from power poles instead of temporary generators during building, if available.</li> <li>Apply stabilizer or pave the last 100 feet of internal travel path within a construction site prior to public road entry.</li> <li>Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.</li> <li>Remove any visible track-out into traveled public streets within 30 minutes of occurrence.</li> <li>Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.</li> <li>Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.</li> <li>Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.</li> <li>Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour.</li> </ul> |  |                            |   |   |   |   |  |  |  |                     |

## Table 1

|    |   |                            |      |            |               |             |   |  |  |  |  |
|----|---|----------------------------|------|------------|---------------|-------------|---|--|--|--|--|
|    | <ul style="list-style-type: none"><li>Any construction equipment exceeding 100 brake-horsepower must meet Tier 3 emission limits during the grading phase of project construction in accordance with the project's Air Quality Impact Analysis dated August 25, 2006</li></ul>  | Plan Check/Site Inspection | X    | X          | X             | X           | X | Applicant/ City Engineering Department/City Planning and Building Department |  |  |  |
|    | BIOLOGICAL RESOURCES  |                            | T.M. | Pre Const. | During Const. | Post Const. |   |  |  |  |  |
| 2. | To ensure no indirect impacts to nesting raptors and other migratory birds occur during construction (including clearing and grubbing) construction activities adjacent to nesting habitat should occur outside of the raptor and general avian breeding season (January 15 to August 31). To avoid any direct impacts to nesting raptors and/or migratory birds, construction must occur outside of the breeding season for these species (January 15 through September 30). If construction must occur during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction surveys must be performed by a City-approved biologist to determine the presence or absence of for nesting raptors and/or migratory birds within 300 feet of the construction area and nesting raptors within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval. If nesting birds and/or raptors are detected by the City-approved biologist, a biologist must be present onsite during construction to minimize construction impacts and ensure that N-go nests should be removed or disturbed until all young have fledged. | Plan Check/Site Inspection | X    | X          | X             | X           | X | Applicant/City Engineering Department/Planning and Building Department       |  |  |  |
| 3. | Prior to the issuance of any land development permit including clearing and grubbing or grading permits, temporary orange biological fencing shall be installed around the one mature Coast Live Oak located adjacent to Telegraph Creek. The applicant shall obtain a City-approved biologist to delineate the dripline of the Coast Live Oak and monitor the installation of the temporary fencing. This fencing shall be shown on both grading and landscape plans, and installation and maintenance of the fencing shall be verified by the City's Mitigation Monitor.  | Plan Check/Site Inspection | X    | X          | X             | X           | X | Applicant/City Engineering Department/Planning and Building Department       |  |  |  |

3 - 54

Table 1

|    |  |                            |   |   |   |   |   |   |  |  |  |
|----|--|----------------------------|---|---|---|---|---|---|--|--|--|
| 4. | Prior to issuance of any land development permit, including clearing and grubbing or grading permits, the applicant shall prepare and submit a landscape plan to the City for review and approval. All proposed landscaping shall avoid the use of non-native invasive species including, but not limited to, the species listed in Appendix N of the MSCP Subarea Plan.   | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Department/City Engineering Department |  |  |  |
| 5. | Prior to the issuance of any land development, including clearing and grubbing or grading permits, the applicant shall secure <u>0.15-acre of Non-Native Grassland (Tier III habitat) in a City approved location or mitigation bank within the City's Preserve for impacts to 0.3 acre of Non-Native Grassland. In the event mitigation credits are secured in a City-approved location or mitigation bank outside the Preserve, the applicant shall secure 0.3-acre of Non-Native Grassland habitat at a 4:1 ratio. Verification that mitigation credits have been obtained shall be provided to the City prior to approval of any land development permits. Should mitigation credits be secured in a City-approved location outside of a mitigation bank, the applicant shall prepare a Management and Monitoring Plan (MMP) to be submitted to the City for review and approval. The applicant shall also be responsible for maintaining the biological integrity of the Non-Native Grassland habitat in perpetuity and shall abide by all management and monitoring measures identified in the MMP until such time as an appropriate management entity has been identified and approved by the City.</u> | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Department/City Engineering Department |  |  |  |
| 6. | Prior to issuance of any land development, including clearing and grubbing or grading permits, the project shall implement Best Management Practices (BMPs) identified in the Storm Water Pollution Prevention Plan. BMPs shall be noted on grading plans and implemented during clearing and site development to the satisfaction of the City Engineer.   | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Department/City Engineering Department |  |  |  |
| 7. | Prior to issuance of any land development, including clearing and grubbing or grading permits, the project will be required to obtain a HLIT Permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Non-Native Grasslands.  |                            | X | X | X | X | X | Applicant/City Planning and Building Department/City Engineering Department |  |  |  |

Table 1

|    | BIOLOGICAL RESOURCES (CONT.)  | T.M. | Pre Const. | During Const. | Post Const. |   |  |  |
|----|---|------|------------|---------------|-------------|---|--|--|
| 8. | Prior to issuance of any land development permit, including clearing and grubbing or grading permits, temporary orange biological fencing shall be installed around the wetland resources on the project site that will not be impacted by the proposed project. In addition, the applicant must retain a City-approved biologist to monitor the installation and on-going maintenance of this temporary fencing adjacent to the wetland resources. This fencing shall be shown on both grading and landscape plans, and installation and maintenance of the fencing shall be verified by the City's Mitigation Monitor.  | X    | X          | X             | X           | Applicant/City Planning and Building Department/City Engineering Department |  |  |
| 9. | Prior to issuance of any land development permit, including clearing and grubbing or grading permits, the applicant shall designate the area of wetland resources onsite as an open space parcel to ensure no future development is permitted within this area.   | X    | X          | X             | X           | Applicant/City Planning and Building Department/City Engineering Department |  |  |
| 1. | Prior to issuance of any land development permit, including clearing and grubbing or grading permits, the applicant shall prepare a Management and Monitoring Plan (MMP) to be submitted to the City for review and approval. The applicant shall also be responsible for maintaining the biological integrity of the required open space area in perpetuity and shall abide by all management and monitoring measures identified in the MMP until such time as an appropriate management entity has been identified and approved by the City. Prior to issuance of any land development permit, including clearing and grubbing or grading permits, the applicant shall provide evidence to the City that a City-approved biologist has been retained to monitor and manage the open space parcel until an appropriate management has been identified. | X    | X          | X             | X           | Applicant/City Planning and Building Department/City Engineering Department |  |  |

Table 1

|         | GEOTECHNICAL   | Plan Check/Site Inspection | T.M | Pre Const. | During Const. | Post Const. |   |  |  |
|---------|--|----------------------------|-----|------------|---------------|-------------|---|--|--|
| 9.-11.  | Prior to issuance of construction permits, the applicant shall provide evidence to the City Engineer and the City Environmental Review Coordinator that all the recommendations in the <i>Preliminary Geological Reconnaissance Report</i> , dated July 7, 2006 have been satisfied.   | Plan Check/Site Inspection | X   | X          | X             | X           | Applicant/City Planning and Building Department/City Engineering Department |  |  |
| 10.-12. | HAZARDS/HAZARDOUS MATERIALS<br><br>In the event any off-site conditions change, specifically related to the LUST/monitoring well site adjacent to the north, additional assessment shall be necessary by a qualified environmental professional to assess those areas of concern and potential impacts to the project site. This may include the preparation and submittal of a written analysis, identifying the areas of concern with appropriate measures, to the Environmental Review Coordinator and San Diego Regional Water Quality Control Board (RWQCB) for review.   | Plan Check/Site Inspection | X   | X          | X             | X           | Applicant/City Planning and Building Department/City Engineering Department |  |  |
| -13.    | HYDROLOGY AND WATER QUALITY<br><br>Due to the location of the project next to a waterway and potential for substantial impacts to water quality, the applicant/developer shall be required to implement post-construction Best Management Practices (BMPs) to the Maximum Extent Practicable, including the use of high pollutant removal efficiency treatment BMPs to the satisfaction of the City Engineer.  | Plan Check/Site Inspection | X   | X          | X             | X           | Applicant/City Planning and Building Department/City Engineering Department |  |  |
| 12.-14  | Prior to the issuance of a grading permit, a final drainage study shall be required in conjunction with the preparation of the final grading plans. The City Engineer shall verify that the final grading plans comply with the provisions of California Regional Water Quality Control Board, San Diego Region Order No. 2001-01 with respect to construction-related water quality best management practices (BMPs). If one or more of the approved post construction BMPs is non-structural, then a post-construction BMP plan shall be prepared to the satisfaction of the City Engineer prior to the commencement of construction. Compliance with said plan shall become a permanent requirement of the Mitigation Monitoring and Reporting Program. | Plan Check/Site Inspection | X   | X          | X             | X           | Applicant/City Planning and Building Department/City Engineering Department |  |  |

Table 1

|        |  |                            |   |   |   |   |   |   |  |  |  |
|--------|--|----------------------------|---|---|---|---|---|---|--|--|--|
| 13-15. | Prior to the issuance of a grading permit, including clearing and grubbing activities, temporary desilting and erosion control devices shall be installed. Protective devices, as determined by the City Engineer, will be provided at every storm drain inlet to prevent sediment from entering the storm drain system or entering the Telegraph Creek Channel. These measures shall be reflected in the grading and improvement plans to the satisfaction of the City Engineering and Environmental Review Coordinator.  | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Engineering Department |  |  |  |
| 14-16. | NOISE<br>A 5-foot high noise sound barrier wall shall be installed around the perimeter of the patio/balconies adjacent to Third Avenue. The height of the sound barriers is based upon the finished pad elevation of the patio/balcony and must be solid in construction with no holes or gaps. To preserve a view, glass or plexiglass with a minimum density of 3.5 lbs/foot <sup>2</sup> may be substituted for other construction materials. The sound barrier shall be constructed in accordance with the revised noise study dated May 1, 2006, and on the development and grading plans to the satisfaction of the City Engineer and Environmental Review Coordinator. | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Engineering Department |  |  |  |
| 17.    | Pursuant to Section 17.24.050(J) of the Chula Vista Municipal Code, project-related grading or construction activities shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday and between 10:00 p.m. and 8:00 a.m. Saturdays and Sundays. All construction equipment shall operate and be maintained to minimize noise generation. Equipment and construction vehicles shall be kept in good repair and fitted with "manufacturer-recommended" mufflers.  | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Engineering Department |  |  |  |
| 16-18. | The construction equipment storage area shall be located in an area of the project site furthest away from the adjacent medical center and adjacent residential properties. This area shall be indicated on the development and grading plans to the satisfaction of the City Engineer and Environmental Review Coordinator.   | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Engineering Department |  |  |  |
| 17-19. |  | Plan Check/Site Inspection | X | X | X | X | X | Applicant/City Planning and Building Engineering Department |  |  |  |

Table 1

|        |   |                            |   |   |   |   |   |  |  |  |
|--------|---|----------------------------|---|---|---|---|---|--|--|--|
| 48-20. | Prior to approval of building permits, the applicant shall submit a subsequent noise study to the satisfaction of the Environmental Review Coordinator demonstrating that the final roof-mounted HVAC and other roof mounted equipment complies with the City's noise control ordinance at the property boundaries of 45dBA Leq (one hour) during nighttime hours and 55 dBA Leq (one hour) during daytime hours or ambient noise levels, whichever is greater. | Plan Check/Site Inspection | X | X | X | X | Applicant/City Planning and Building Department |  |  |  |
| 49-21. | All rooftop pumps, fans, and air conditioners/heating units on the project buildings shall include appropriate noise abatement and be screened by a minimum three-foot high rooftop parapet that blocks the line-of-site view from the backyards of the nearby residential properties to the exposed roof and mechanical ventilation systems.   | Plan Check/Site Inspection | X | X | X | X | Applicant/City Planning and Building Department |  |  |  |
| 50-22. | Truck deliveries shall be restricted between the hours of 7:00 a.m. and 10:00 p.m.  | Plan Check/Site Inspection | X | X | X | X | Applicant/City Planning and Building Department |  |  |  |
| 51-23. | All diesel delivery trucks shall turn off their engines during loading/unloading activities at the designated commercial parking areas whenever possible. In the event, a delivery truck is not able to immediately enter the designated commercial parking areas; the diesel truck idling shall be restricted to a five-minute limitation in accordance with State law. No truck loitering shall be allowed on the parking lots or surrounding project area.   | Plan Check/Site Inspection | X | X | X | X | Applicant/City Planning and Building Department |  |  |  |

# ENVIRONMENTAL CHECKLIST FORM



1. Name of Proponent: Creekside Vistas, LLC  
Douglas Wilson Companies
2. Lead Agency Name and Address: City of Chula Vista  
276 Fourth Avenue  
Chula Vista, CA 91911
3. Addresses and Phone Number of Proponent: Creekside Vistas, LLC  
c/o Douglas Wilson Companies  
450 B Street, Suite 1900  
San Diego, CA 92101  
(619) 641-1141
4. Name of Proposal: Creekside Vistas
5. Date of Checklist: August 28, 2006
6. Case No. IS-06-008

## ENVIRONMENTAL ANALYSIS QUESTIONS:

| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact                           |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| <b>I. AESTHETICS.</b> Would the project:   |                                      |  |                                    |                                     |
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |



| Issues:      | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--------------|--------------------------------------|--|------------------------------------|-----------|
| in the area? |                                      |  |                                    |           |

**Comments:**

- a) No significant scenic vistas or views open to the public exist through the site.
- b) In accordance with the City's General Plan, Third Avenue is not designated a scenic roadway nor does the site contain any buildings.
- c) The project site is within an urbanized area surrounded by commercial and various residential uses. The project site is planned for future mixed-use residential land use according to the General Plan Update. The development of a planned mixed use commercial and residential development would not substantially degrade the existing visual character or quality of the site or surrounding area. Project will be reviewed by the Chula Vista Design Review Commission to ensure compatibility with the aesthetic quality of the community.
- d) The proposal will be required to comply with the City's minimum standards for roadway lighting. The project will be required to comply with the light and glare regulations (Section 19.66.100) of the Chula Vista Municipal Code (CVMC). Compliance with these regulations will ensure that no significant glare, or light would affect daytime or nighttime views in the surrounding residential neighborhood area or adjacent roadways.

Preliminary lighting plans indicate proper shielding to ensure that lighting does not spill horizontally beyond the development boundaries. As conditioned, a final lighting plan shall be submitted to the Environmental Review Coordinator for review. See Mitigated Negative Declaration, Section E, under the *Biological Resources* Section for potential biological resource/indirect lighting impacts.

**Mitigation:** No mitigation measures are required.

**II. AGRICULTURAL RESOURCES.** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment, which, due to their location or nature, could result in  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

conversion of Farmland, to non-agricultural use?

**Comments:**

a-c) The project site is presently located in a developed urbanized area. The project site is neither in current agricultural production nor adjacent to property in agricultural production and contains no agricultural resources or designated farmland areas.

**Mitigation:** No mitigation measures are required.

**III. AIR QUALITY.** Would the project:

|  |                          |                                     |                                     |                          |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

| Issues:   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                |
|---|--------------------------------------|--|-------------------------------------|--------------------------|
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Comments:**

a-e) See Mitigated Negative Declaration, Section E.

**Mitigation:** The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate potentially significant air quality impacts to a level of less than significance.

**IV. BIOLOGICAL RESOURCES.** Would the project:

|  |                          |                                     |                                     |                          |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                           |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Comments:**

a-f) See Mitigated Negative Declaration, Section E.

**Mitigation:** The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate potentially significant biological resources impacts to a level of less than significance.

**V. CULTURAL RESOURCES.** Would the project:

|  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines § 15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

resource or site or unique geologic feature?

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

### Comments:

- a) In order to determine potential historic impacts a cultural resource survey was prepared by ASM Affiliates on January 13, 2006. The project site is currently vacant and based upon the study potentially historic structures identified during records search have since been destroyed and hauled away years ago. No evidence of historical materials or historic resources is remaining or identified on the project site. No substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines § 15064.5 was applicable.
- b) An archaeological survey, was conducted by Tim Gross in 1975 for the U.S. Army Corps of Engineers examined areas along the Telegraph Canyon Creek, which runs along the northwest portion of the project site. Based upon this extensive survey of the whole project site, no historical or cultural resources were identified and no previously recorded sites are located within the project boundaries. Therefore, no archaeological resources will be impacted by the proposed construction, and no further investigations are recommended for this project. No substantial adverse change in the significance of an archaeological resource as defined in State CEQA Guidelines § 15064.5 was applicable.
- c) Based on the level of previous disturbance to the site, no impacts to unique paleontological resources or unique geologic features are anticipated.
- d) Based upon the cultural resource study and previous disturbance, no human remains are anticipated to be present within the impact area of the project.

**Mitigation:** No mitigation measures are required.

### **VI. GEOLOGY AND SOILS -- Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:   |                          |                          |                          |                                     |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                           |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| ii. Strong seismic ground shaking?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv. Landslides?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, creating substantial risks to life or property?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Comments:

a-e) See Mitigated Negative Declaration, Section E.

**Mitigation:** The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate potentially significant geology and soils impacts to a level of less than significance.

**VII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

|   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact                           |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/>           | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Issues:

|                                      |  |                                    |           |
|--------------------------------------|--|------------------------------------|-----------|
| Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--------------------------------------|--|------------------------------------|-----------|

**Comments:**

a-h) See Mitigated Negative Declaration, Section E.

**Mitigation:** The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate potentially significant hazards/hazardous material impacts to a level of less than significance.

**VIII. HYDROLOGY AND WATER QUALITY.**

Would the project:

- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Result in an increase in pollutant discharges to receiving waters (including impaired water bodies pursuant to the Clean Water Act Section 303(d) list), result in significant alteration of receiving water quality during or following construction, or violate any water quality standards or waste discharge requirements?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Result in a potentially significant adverse impact on groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, or place structures within a 100-year flood hazard area which   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |



| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                |
|--|--------------------------------------|--|-------------------------------------|--------------------------|
| would impede or redirect flood flows?  |                                      |  |                                     |                          |
| e) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?                     | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Comments:**

(a-f) See Mitigated Negative Declaration, Section E.

**Mitigation:** The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate potentially significant hydrology and water quality impacts to a level of less than significance.

**VIII. LAND USE AND PLANNING.** Would the project:

|   |                          |                                     |                          |                                     |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

**Comments:**

- a) The proposed commercial/residential infill project would be consistent with the character of the surrounding mixed-use area and, therefore, would not disrupt or divide an established community.
- b) The project site is within the CCP (Central Commercial/Precise Plan) Zone and MUR (Mixed Use Residential) General Plan designations. The project has been found to be consistent with the applicable zoning regulations, General Plan, Montgomery Specific Plan guidelines and regulations and Added Area Redevelopment Plan.
- c) Refer to Mitigated Negative Declaration, Section E. Potential short-term construction noise/raptor nesting and biologically sensitive impacts in accordance with the Multiple Species Conservation Program Subarea Plan (MSCP) are addressed in the Mitigated Negative Declaration, under *Biological Resources*.

**Mitigation:** The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate potentially significant land use and planning impacts to a level of less than significance.

**X. MINERAL RESOURCES.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

**Comments:**

- a) The project site has been previously disturbed with commercial and residential land uses. The proposed project would not result in the loss of availability of a known mineral resource of value to the region or the residents of the State of California. Therefore, no loss or impacts to mineral-resources are anticipated as a result of the proposed project.
- b) The State of California Department of Conservation has not designated the project site for mineral resource protection. According to the General Plan Update there are no regionally significant resource areas in western Chula Vista and no mining activities currently occurring. Therefore, no impacts to a locally known mineral resource or availability are anticipated as a result of the proposed project.

**Mitigation:** No mitigation measures are required.

**XI. NOISE.** Would the project result in:

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

project area to excessive noise levels?

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

### Comments:

a-d) See Mitigated Negative Declaration, Section E.

- e) The project is not located within an airport land use plan nor within two miles of a public airport or public use airport; therefore, the project would not expose people residing or working in the project area to excessive noise levels.
- f) The project is not located within the vicinity of a private airstrip; therefore, the project development would not expose people working in the project area to excessive noise levels.

Mitigation: The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate potentially significant noise impacts to a level of less than significance.

## **XII. POPULATION AND HOUSING.** Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

☐ ☐ ☐ ☒

☐ ☐ ☐ ☒

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

**Comments:**

a-c) The project is surrounded by residences, retail businesses, schools, a church and private medical facility. The proposed project does not involve the extension of public facilities or roadways (Third Avenue or "L" Street) that would induce substantial growth. Future residential development of the site for the proposed 167 multi-family residential units is consistent with the General Plan and would not exceed the regional or local population projections. The proposed project would not involve displacement of existing housing or individuals nor necessitate replacement housing, as the site is currently vacant. No significant population and housing impacts will be created as a result of the proposed project.

**Mitigation:** No mitigation measures are required.

**XIII. PUBLIC SERVICES.** Would the project:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services:

|                          |                          |                          |                                     |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Fire protection?         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Police protection?       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Schools?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Parks?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

### Comments:

- a) According to the Fire Department, adequate fire protection services can continue to be provided to the site. The applicant will be required to comply with the Fire Department policies for fire hydrants placement, fire truck turnaround and new building construction. Based upon project design and proposed development of the emergency access, queing/routing and turnarounds no significant environmental impacts were identified. The City's Fire performance objectives and thresholds will continue to be met.
- b) According to the Chula Vista Police Department, adequate police protection services can continue to be provided upon completion of the proposed project. The proposed project would not have a significant effect upon or result in a need for substantial new or altered police protection services. The City's Police performance objectives and thresholds will continue to be met.

A preliminary security lighting plan was submitted for review by the City's Police Department and Planning Department. The proposed lit areas include an outside seating area near the channel, perimeter exterior and interior areas of the site. Based upon the lighting plan and project design, including proper shielding to ensure that lighting does not spill horizontally beyond the development boundaries, no significant environmental impacts were identified.

- c) According to the Chula Vista Elementary School District letter dated January 5, 2006, the applicant would be required to pay the statutory building permit school fees for the proposed residential construction and an alternative financing mechanism such as participation in or annexation to a CFD is recommended. Additionally State law provides for a development fee for the non-residential use, any new commercial space proposed for the project. The fee is proportionally shared with the Chula Vista School District and the Sweetwater Union High School District. The proposed project would not induce substantial population growth; therefore, no significant adverse impacts to public schools would result.
- d) The proposed project would not induce significant population growth, as it is a residential infill project. However, the applicant shall be required to pay Park Acquisition and Development Fees (PAD) in accordance with Chapter 17.10 "Parklands & Public Facilities" of the city of Chula Vista Municipal Code.
- e) Because the proposed project would not induce significant population growth, it would not create a demand for neighborhood or regional parks or facilities or impact existing park facilities.
- f) The project site is within the boundaries of the City of Chula Vista wastewater services area. The existing area sewer facility system includes an existing 8-inch sewer line along Third Avenue. There is an existing manhole located at the end of the southerly driveway. The City has required a 15-foot width access for existing and proposed public sewer systems and any new manholes, for use by their maintenance vehicles, heavy equipment and emergency services. Paved access must be provided to within five feet of this manhole on a relatively flat surface. The manhole shall be replaced with a watertight feature since it is within the path of drainage. These improvements are indicated on the tentative map and the easement access will be required on the final map. The onsite sewer improvements and laterals are proposed to each building and or condo unit to the City public sewer main. No private or public improvements will be allowed within the 100-year floodway and wetlands and no improvements as designed would impact the channel or identified sensitive habitat. The applicant shall be required to submit a final sewer plan to the satisfaction of the City Engineer. The applicant is required to grant an easement to the City of Chula Vista wastewater services for the purpose of maintenance and emergency services of the proposed sewer lines. The proposed project would not have a significant effect upon or result in a need for new or expanded governmental services and could continue to be served by existing public infrastructure.

Mitigation: No mitigation measures are required.

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

#### XIV. RECREATION. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities, which have an adverse physical effect on the environment?           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

#### Comments:

- a) Because the proposed project would not induce significant population growth, it would not create a demand for neighborhood or regional parks or facilities nor impact existing neighborhood parks or recreational facilities.
- b) The project does not include or require the construction or expansion of recreational facilities.

Mitigation: No mitigation measures are required.

#### XV. TRANSPORTATION / TRAFFIC. Would the project:

- |    |  |                          |                          |                                     |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) | Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                           |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| location that results in substantial safety risks?   |                                      |  |                                     |                                     |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in inadequate emergency access?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?                       | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Comments: No mitigation measures are required.

#### XVI. UTILITIES AND SERVICE SYSTEMS.

Would the project:

|  |                          |                                     |                          |                                     |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?          | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |



| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                           |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

**Comments:**

- a) The project site is located within an urban area that is served by all necessary utilities and service systems. No exceedance of wastewater requirements of the Regional Water Quality Control Board would result from the proposed project.
- b) The proposed project area is within the Sweetwater District Water service territory according to written communications dated December 5, 2005 and March 27, 2006. An existing 12-inch water main is located on the eastside of Third Avenue. There are three existing domestic water services to the parcels, which will not be adequate supply for the new construction. The proposal shows a 6-inch domestic water line with a proposed public water easement. It is recommended that the largest domestic service for this type of project be a 2-inch line. The applicant must submit a plan that includes the total fixture unit count of all proposed new plumbing fixtures, so that appropriate services sizes can be determined. All water meters and public water facilities for the project must be located in the public right of way on Third Avenue. Private onsite fire hydrants and fire services for the building sprinklers will be served by the private onsite fire services located in the public right of way, but clear of driveway apron. The applicant shall be required to coordinate with the Water District for proper design guidance including any new and existing water services will be required to be installed with backflow prevention assemblies and if applicable, proper check detectors/backflows for fire protection systems. The project has been conditioned to comply with the Sweetwater District Water regulations and standards.

The surrounding sewer main is an 8-inch sewer line located along Third Avenue. The proposed improvements include the extension of the existing main and lateral connection on site. The applicant shall be required to submit a final sewer plan to the satisfaction of the City Engineer. No significant impacts would result from the proposed project.

- c) See Mitigated Negative Declaration, Section E. The potential discharge of silt during construction activities could impact the storm drain system and adjacent channel/Telegraph Canyon Creek. Appropriate erosion control measures will be identified in conjunction with the preparation of final grading plans to be implemented during construction. The proposed project is subject to the NPDES General Construction Permit requirements and shall obtain permit coverage and develop a Storm Water Pollution Prevention Plan (SWPPP) prior to issuance of grading permits. In addition, the project shall be required to implement post-construction Best Management Practices (BMPs) to the Maximum Extent Practicable, including the use of high pollutant removal efficiency treatment BMPs. The project shall be conditioned to implement construction and post-construction water quality Best Management Practices (BMPs) for storm water pollution prevention in accordance with the Chula Vista Standard Urban Storm Water Mitigation Plan (SUSMP).
- d) The project site is within the potable water service area of the Sweetwater District. The proposed project will be required to construct expansions to existing water facilities as described in Section b above.
- e) See XVI.a. and b.
- f) The City of Chula Vista is served by regional landfills with adequate capacity to meet the solid waste needs of the region in accordance with State law.
- g) The proposal would be conditioned to comply with federal, state and local regulations related to solid waste.

**Mitigation:** See Section E of the Mitigated Negative Declaration; refer to Hydrology and Water Quality. The mitigation measures contained in Section F of the Mitigated Negative Declaration would mitigate identified hydrology and water quality impacts to a level of less than significance.

| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact                           |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| <b>XVII. THRESHOLDS</b>  |                                      |  |                                    |                                     |
| <i>Will the proposal adversely impact the City's Threshold Standards?</i>  |                                      |  |                                    |                                     |
| A. <u>Library</u>  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| The City shall construct 60,000 gross square feet (GSF) of additional library space, over the June 30, 2000 GSF total, in the area east of Interstate 805 by buildout. The construction of said facilities shall be phased such that the City will not fall below the city-wide ratio of 500 GSF per 1,000 population. Library facilities are to be adequately equipped and staffed.   |                                      |  |                                    |                                     |
| B) <u>Police</u>   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| a) Emergency Response: Properly equipped and staffed police units shall respond to 81 percent of "Priority One" emergency calls within seven (7) minutes and maintain an average response time to all "Priority One" emergency calls of 5.5 minutes or less.   |                                      |  |                                    |                                     |
| b) Respond to 57 percent of "Priority Two" urgent calls within seven (7) minutes and maintain an average response time to all "Priority Two" calls of 7.5 minutes or less.   |                                      |  |                                    |                                     |
| C) <u>Fire and Emergency Medical</u>   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| Emergency response: Properly equipped and staffed fire and medical units shall respond to calls throughout the City within 7 minutes in 80% of the cases (measured annually).  |                                      |  |                                    |                                     |
| D) <u>Traffic</u>  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| The Threshold Standards require that all intersections must operate at a Level of Service (LOS) "C" or better, with the exception that Level of Service (LOS) "D" may occur during the peak two hours of the day at signalized intersections. Signalized intersections west of I-805 are not to operate at a LOS below their 1991 LOS. No intersection may reach LOS "E" or "F" during the average weekday peak hour. Intersections of arterials with freeway ramps are exempted from this Standard. |                                      |  |                                    |                                     |

| Issues:  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact                           |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| <p>E) <u>Parks and Recreation Areas</u></p> <p>The Threshold Standard for Parks and Recreation is 3 acres of neighborhood and community parkland with appropriate facilities/1,000 population east of I-805.</p>   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <p>F) <u>Drainage</u></p> <p>The Threshold Standards require that storm water flows and volumes not exceed City Engineering Standards. Individual projects will provide necessary improvements consistent with the Drainage Master Plan(s) and City Engineering Standards.</p>   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <p>G) <u>Sewer</u></p> <p>The Threshold Standards require that sewage flows and volumes not exceed City Engineering Standards. Individual projects will provide necessary improvements consistent with Sewer Master Plan(s) and City Engineering Standards.</p>  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <p>H) <u>Water</u></p> <p>The Threshold Standards require that adequate storage, treatment, and transmission facilities are constructed concurrently with planned growth and that water quality standards are not jeopardized during growth and construction.</p> <p>Applicants may also be required to participate in whatever water conservation or fee off-set program the City of Chula Vista has in effect at the time of building permit issuance.</p> | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

**Comments:**

- a) The project is a mixed-use project containing 167 residential units and a retail use. However, it would not significantly induce population growth; therefore, no impacts to library facilities would result. No adverse impact to the City's Library Threshold standards would occur as a result of the proposed project.
- b) No adverse impact to the City's Police threshold standards would occur as a result of the proposed project. Police Department states that they can continue to provide service at current levels. No adverse impact to the City's Police threshold standards would occur as a result of the proposed project.
- c) According to the Fire Department, adequate fire protection and emergency medical services can continue to be provided to the site. Although the Fire Department has indicated they will provide service to the project, the project will contribute to the incremental increase in fire service demand throughout the City. Additionally, will provide additional fire hydrants and services. This increased demand on fire services will not result in a significant cumulative impact. No adverse impact to the City's Fire threshold standards would occur as a result of the proposed project.
- d) See Mitigated Negative Declaration, Section E.
- g) The proposed project would not induce significant population growth, as it is a residential infill project and would not impact existing or proposed recreational facilities. However, the applicant shall be required to pay Park Acquisition and Development Fees (PAD) in accordance with Ordinance No. 2945 adopted by City Council on January 6, 2004.
- f) The applicant proposes new drainage facilities, filtration and treatment systems on the project site in order to properly convey stormwater from the developed site to existing city drainage facilities thus avoiding impacts to the nearby waterway/Telegraph Canyon Creek. In order to avoid drainage impacts mitigation is required. See Mitigated Negative Declaration, Section E.
- g) The project site is within the boundaries of the City of Chula Vista wastewater services area. The existing area sewer facility system includes sewer lines along Third Avenue and L Street. The applicant shall be required to submit a final sewer plan indicating appropriate sewer lines and laterals to the satisfaction of the City Engineer. The applicant is required to grant an easement, including a 15-foot access road, to the City of Chula Vista wastewater service for the purpose of maintenance and emergency services of the proposed sewer lines and sewer manholes. No adverse impacts to the City's sewer system or City's sewer threshold standards will occur as a result of the proposed project.
- h) The proposed project area is within the Sweetwater District Water service territory according to written communications dated December 5, 2005 and March 27, 2006. An existing 12-inch water main is located on the eastside of Third Avenue. There are three existing domestic water services to the parcels, which will not be adequate supply for the new construction. The proposal shows a 6-inch domestic water line with a proposed public water easement. It is recommended that the largest domestic service for this type of project be a 2-inch line. The applicant must submit a plan that includes the total fixture unit count of all proposed new plumbing fixtures, so that appropriate services sizes can be determined. All water meters and public water facilities for the project must be located in the public right of way on Third Avenue. Private onsite fire hydrants and fire services for the building sprinklers will be served by the private onsite fire services located in the public right of way, but clear of driveway apron. The applicant shall be required to coordinate with the Water District for proper design guidance including any new and existing water services will be required to be installed with backflow prevention assemblies and if applicable, proper check detectors/backflows for fire protection systems. The project has been conditioned to comply with the Sweetwater District Water regulations and standards. Project impacts to the Authority's storage, treatment, and transmission facilities would be less than significant.

**Mitigation:** No mitigation measures are required.

| Issues: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---------|--------------------------------------|--|------------------------------------|-----------|
|---------|--------------------------------------|--|------------------------------------|-----------|

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- |  |                          |                                     |                          |                                     |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

### Comments:

- a) See Mitigated Negative Declaration, Section E. Potential short-term construction noise/raptor nesting and biologically sensitive impacts are addressed in the Mitigated Negative Declaration, Section E, under *Biological Resources*.
- b) As described in the Mitigated Negative Declaration, significant direct project impacts would be mitigated to below a level of significance through the required mitigation measures. No cumulatively considerable impacts associated with the project when viewed in connection with the effects of past projects, other current projects and probable future projects have been identified.
- c) The project site has been previously disturbed with similar land uses. Therefore, the project will not cause substantial adverse effects on human beings, either directly or indirectly, as the proposed project has been mitigated to lessen any potential significant impacts to a level of less than significance.

**XIX. PROJECT REVISIONS OR MITIGATION MEASURES:**

Project mitigation measures are contained in Section F, Mitigation Necessary to Avoid Significant Impacts, and Table 1, Mitigation Monitoring and Reporting Program, of Mitigated Negative Declaration IS-06-008.

**XX. AGREEMENT TO IMPLEMENT MITIGATION MEASURES**

By signing the line(s) provided below, the Applicant and Operator stipulate that they have each read, understood and have their respective company's authority to and do agree to the mitigation measures contained in the Mitigated Negative Declaration IS-06-008, and will implement same to the satisfaction of the Environmental Review Coordinator. Failure to sign the line(s) provided below prior to posting of this Mitigated Negative Declaration with the County Clerk shall indicate the Applicant's and Operator's desire that the Project be held in abeyance without approval and that the Applicant and Operator shall apply for an Environmental Impact Report.

Terry R. Plowden, Managing Director  
Printed Name and Title of Applicant Douglas Wilson Companies  
(or Authorized Representative)

9/1/06  
Date

Terry R. Plowden  
Signature of Applicant  
(or Authorized Representative)

9/1/06  
Date

\_\_\_\_\_  
Printed Name and Title of Operator  
(if different from Applicant)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Operator  
(if different from Applicant)

\_\_\_\_\_  
Date

## XXI. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the previous pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Land Use and Planning      | <input checked="" type="checkbox"/> Transportation/Traffic             | <input type="checkbox"/> Public Services               |
| <input type="checkbox"/> Population and Housing     | <input checked="" type="checkbox"/> Biological Resources               | <input type="checkbox"/> Utilities and Service Systems |
| <input checked="" type="checkbox"/> Geophysical     | <input type="checkbox"/> Energy and Mineral Resources                  | <input type="checkbox"/> Aesthetics                    |
| <input type="checkbox"/> Agricultural Resources     |  |  |
| <input checked="" type="checkbox"/> Hydrology/Water | <input checked="" type="checkbox"/> Hazards and Hazardous Materials    | <input type="checkbox"/> Cultural Resources            |
| <input checked="" type="checkbox"/> Air Quality     | <input checked="" type="checkbox"/> Noise                              | <input type="checkbox"/> Recreation                    |
| <input type="checkbox"/> Paleontological Resources  | <input checked="" type="checkbox"/> Mandatory Findings of Significance |  |



## XXII. DETERMINATION:

On the basis of this initial evaluation:

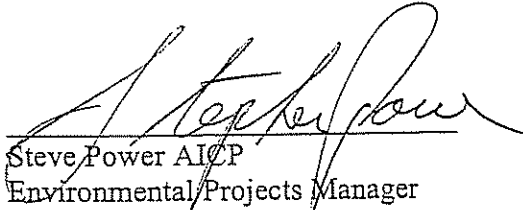
I find that the proposed project **could not** have a significant effect on the environment, and a **Negative Declaration** will be prepared. ☐

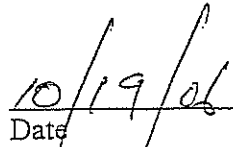
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared. ☒

I find that the proposed project **may** have a significant effect on the environment, and an **Environmental Impact Report** is required. ☐

I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

  
Steve Power AICP  
Environmental Projects Manager  
City of Chula Vista

  
Date